Stuart J. Fuller, of Wisconsin, to be consul of the United States of America of class 8 at Gothenburg, Sweden, vice Edward D. Winslow, appointed consul-general of class 6 at Stockholm.

Cornelius Ferris, jr., of Colorado, to be consul of the United States of America of class 9 at Asuncion, Paraguay, vice Edward J. Norton, nominated to be consul of class 7 at Malaga.

Robert Frazer, jr., of Pennsylvania, to be consul of the United States of America of class 8 at Valencia, Spain, vice Charles S. Winans, nominated to be consul of class 7 at Seville.

Charles A. Holder, of Colorado, to be consul of the United States of America of class 9 at Rouen, France, vice Oscar Malmros.

Franklin D. Hale, of Vermont, now consul of class 9 at Charlottetown, to be consul of the United States of America of class 7 at Trinidad, West Indies, vice Thomas P. Moffat, nominated to be consul of class 6 at Bluefields.

Charles L. Hoover, of the Philippine Islands, to be consul of the United States of America of class 8 at Madrid, Spain, vice Richard M. Bartleman, appointed consul-general of class 5 at Buenos Aires.

W. Stanley Hollis, of Massachusetts, now consul of class 3 at Lourenço Marquez, to be consul of the United States of America of class 5 at Dundee, Scotland, vice John C. Higgins.

Augustus E. Ingram, of California, now a consular assistant, to be consul of the United States of America of class 6 at Bradford, England, vice Erastus Sheldon Day.

Leo J. Keena, of Michigan, to be consul of the United States of America of class 8 at Chihuahua, Mexico, vice Lewis A. Martin.

Will L. Lowrie, of Illinois, now consul of class 8 at Erfurt, to be consul of the United States of America of class 7 at Carlsbad, Austria, vice John S. Twells.

Marion Letcher, of Georgia, to be consul of the United States of America of class 8 at Acapulco, Mexico, vice Maxwell K. Moorhead, nominated to be consul of class 7 at St. John, New Brunswick.

Samuel T. Lee, of Michigan, now consul of class 8 at Nogales, to be consul of the United States of America of class 7 at San José, Costa Rica, vice John C. Caldwell.

Andrew J. McConnico, of Mississippi, to be consul of the United States of America of class 9 at St. Johns, Quebec, Canada, vice Charles Deal.

George B. McGoogan, of Indiana, now consul of class 9 at La Paz, to be consul of the United States of America of class 7 at Progreso, Mexico, vice Edward H. Thompson.

Charles K. Moser, of Virginia, to be consul of the United States of America of class 8 at Aden, Arabia, vice Wallace C. Bond, appointed consul of class 7 at Karachi.

Samuel MacClintock, of Kentucky, to be consul of the United States of America of class 8 at Tegucigalpa, Honduras, vice William E. Alger, nominated to be consul of class 8 at Puerto Cortes.

Maxwell K. Moorhead, of Pennsylvania, now consul of class 8 at Acapulco, to be consul of the United States of America of class 7 at St. John, New Brunswick, Canada, vice Gebhard Willrich, nominated to be consul of class 6 at Quebec.

Thomas P. Moffat, of New York, now consul of class 7 at Trinidad, to be consul of the United States of America of class 6 at Bluefields, Nicaragua, to fill an original vacancy.

Edward J. Norton, of Tennessee, now consul of class 9 at Asuncion, to be consul of the United States of America of class 7 at Malaga, Spain, vice Charles M. Caughy, nominated to be consul of class 5 at Milan.

Albert W. Robert, of Florida, to be consul of the United States of America of class 8 at Algiers, Algeria, vice James Johnston.

Samuel C. Reat, of Illinois, now consul of class 9 at Port Louis, to be consul of the United States of America of class 7 at Tamsui, Formosa, vice Carl F. Deichman, nominated to be consul of class 6 at Nagasaki.

Louis J. Rosenberg, of Michigan, now consul of class 7 at Seville, to be consul of the United States of America of class 5 at Pernambuco, Brazil, vice George A. Chamberlain, nominated to be consul of class 3 at Lourenço, Marquez.

John A. Ray, of Texas, to be consul of the United States of America of class 9 at Maskat, Oman, vice William Coffin, appointed consul of class 8 at Tripoli.

Fred C. Slater, of Kansas, to be consul of the United States of America of class 8 at Sarnia, Ontario, Canada, vice Neal McMillan.

Frederick Simpich, of Washington, to be consul of the United States of America of class 9 at Bagdad, Turkey, vice William C. Magelssen, appointed consul of class 7 at Colombo.

George B. Schmucker, of Florida, to be consul of the United States of America of class 9 at Ensenada, Mexico, vice Everett E. Bailey.

Hunter Sharp, of North Carolina, now consul-general of class 4 at Moscow, to be consul of the United States of America of class 3 at Lyons, France, vice John C. Covert.

George H. Scidmore, of Wisconsin, now consul of class 6 at Nagasaki, to be consul of the United States of America of class 3 at Kobé, Japan, vice John H. Snodgrass, nominated to be consul-general of class 4 at Moscow.

Lucien N. Sullivan, of Pennsylvania, to be consul of the United States of America of class 9 at La Paz, Mexico, vice George B. McGoogan, nominated to be consul of class 7 at Progreso.

P. Emerson Taylor, of Nebraska, to be consul of the United States of America of class 9 at Port Louis, Mauritius, vice Samuel C. Reat, nominated to be consul of class 7 at Tamsui.

Gebhard Willrich, of Wisconsin, now consul of class 7 at St. John, New Brunswick, to be consul of the United States of America of class 6 at Quebec, Canada, vice William W. Henry.

Charles S. Winans, of Michigan, now consul of class 8 at Valencia, to be consul of the United States of America of class 7 at Seville, Spain, vice Louis J. Rosenberg, nominated to be consul of class 5 at Pernambuco.

Horace Lee Washington, of the District of Columbia, now consul-general of class 4 at Marseilles, to be consul of the United States of America of class 1 at Liverpool, England, vice John L. Griffiths, nominated to be consul-general of class 1 at London.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 26, 1909.

UNITED STATES ATTORNEY.

John I. Worthington to be United States attorney, western district of Arkansas.

RECEIVER OF PUBLIC MONEYS.

George H. Kimball to be receiver of public moneys at Eureka, Cal.

POSTMASTERS.

MISSISSIPPI.

John L. McCoy, at Richton, Miss.

OHIO.

Edson B. Conner, at Bremen, Ohio.

SENATE.

THURSDAY, *May 27, 1909.*

The Senate met at 10 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Two Brothers*, Alexander Forrester, master (S. Doc. No. 61), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Willing Maid*, Comfort Bird, master (S. Doc. No. 62), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the New York yearly meeting of the Religious Society of Friends, praying for such action on the part of the Government as will tend to accomplish a reduction of armaments among the nations of the world, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Merchants' Association of New York, praying for the appointment of a permanent tariff commission, which was ordered to lie on the table.

Mr. WARREN presented petitions of R. D. Carey and 29 other citizens of Douglas, of Carson Adams and 67 other citizens of Wheatland, of H. M. Dillon and 36 other citizens of Wheatland, and of W. A. Sickler, irrigation manager, and 26 other citizens of Powell, all in the State of Wyoming, praying for the retention of the present rate of duty on sugar, which were ordered to lie on the table.

Mr. DEPEW presented a petition of the Merchants' Association of New York, praying for the appointment of a permanent tariff commission, which was ordered to lie on the table.

He also presented a petition of the employees of Snyder & Black, engravers, of New York City, N. Y., praying for an increase of the import duty on lithographic products, which was ordered to lie on the table.

He also presented memorials of the members of the New York Tribune composing room, of New York City; of the Gaelic-American composing room, of New York City; of the New York Times composing room, of New York City; of the composing room of Louis Weiss & Co., of New York City; of the New York Herald composing room, of New York City; of the employees of the Frank A. Munsey Company, of New York City; of members of the Brooklyn Times composing room, of Brooklyn; and of the C. G. Burgoyne Book Chapel, of New York City, all in the State of New York, remonstrating against the imposition of a duty on news print paper and wood pulp, which were ordered to lie on the table.

Mr. WARNER presented the petition of G. M. Chase & Son and 19 other citizens of St. Joseph, Mo., and a petition of the Ryley-Wilson Grocery Company and sundry other manufacturers of Kansas City, Mo., praying for the retention of the present rate of duty on sugars, which were ordered to lie on the table.

Mr. LA FOLLETTE presented petitions of John F. Toomey and 33 other citizens of Brillion, John O. Lindgren and 46 other citizens of Oconto, R. D. Fisher and 32 other citizens of Shiocton, Otto Boelter and 28 other citizens of Clintonville, William Peters and 33 other citizens of South Kaukauna, George J. Hemminger and 45 other citizens of Granville, A. E. Bingham and 11 other citizens of Janesville, L. O. Griffith and 3 other citizens of Janesville, Peter J. Monat and 27 other citizens of Janesville, Charles Espe and 42 other citizens of Morrisonville, H. H. Tyler and 61 other citizens of Prairie du Chien, E. H. Fiedler and 18 other citizens of Evansville, C. T. Hudson and 61 other citizens of Milton Junction, E. H. Hall and 57 other citizens of Janesville, W. W. Wood and 35 other citizens of Janesville, G. W. Leisman and 38 other citizens of Fort Atkinson, A. M. Stone and 51 other citizens of White Water, E. C. Evans and 6 other citizens of Westley; P. H. Marks, of Janesville; Hans Johnson and 47 other citizens of Deerfield, A. G. Howe and 27 other citizens of Stoughton, William Minton and 18 other citizens of Union Grove, C. A. Brown and 15 other citizens of Corliss, Clifford Akin and 20 other citizens of Janesville, and of John Huben and 35 other citizens of Green Bay, all in the State of Wisconsin; and of J. M. Hoague and 19 other citizens of Freeport, C. B. O'Connor and 6 other citizens of Harvard, and of R. J. Sarsay and 9 other citizens of Elgin, all in the State of Illinois, praying for the retention of the present rate of duty on sugar, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE (by request):

A bill (S. 2485) establishing a universal standard of time; to the Select Committee on Standards, Weights, and Measures.

By Mr. CURTIS:

A bill (S. 2486) to regulate the interstate commerce shipments of intoxicating liquors; to the Committee on the Judiciary.

By Mr. MONEY:

A bill (S. 2487) for the relief of the heirs, devisees, and legatees of Willis Lowe; and

A bill (S. 2488) for the relief of the estate of Ann M. Meehan, deceased; to the Committee on Claims.

By Mr. BEVERIDGE:

A bill (S. 2489) providing for the purchase of a site and the erection thereon of a public building in the city of Mount Vernon, Ind.; to the Committee on Public Buildings and Grounds.

A bill (S. 2490) granting an increase of pension to John R. Kissinger (with the accompanying papers); to the Committee on Pensions.

UNIVERSAL AND INTERNATIONAL EXPOSITION AT BRUSSELS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 63); which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

On January 5, 1909, my predecessor recommended to the Congress that an appropriate provision be made for participation by the United States in a Universal and International Exposition to be held at Brussels in 1910, in response to the invitation extended by the Government of Belgium.

No action on this recommendation having been taken by the Sixtieth Congress, and the invitation having been again extended by the Belgian Government, I renew the recommendation.

I transmit herewith a report of the Secretary of State, which has my cordial indorsement, stating reasons why it is desirable that the United States should take part officially in this exposition and showing the importance and necessity of an appropriation for the purpose being made during the present session of Congress if the United States is to take part in the exposition.

WM. H. TAFT.

THE WHITE HOUSE, *May 27, 1909.*

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed, and the calendar is in order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Kansas [Mr. BRISTOW], which will be stated.

The SECRETARY. In paragraph 213, page 72, line 23, after the word "sugar," strike out "not above No. 16 Dutch standard in color;" and on page 73, lines 6 and 7, to strike out "and on sugar above No. 16 Dutch standard in color."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BRISTOW. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Carter	Flint	Page
Bacon	Chamberlain	Foster	Penrose
Bailey	Clapp	Frye	Perkins
Beveridge	Clay	Gamble	Root
Bradley	Crane	Gore	Scott
Brandegee	Crawford	Hale	Smith, Md.
Briggs	Culberson	Hughes	Smith, Mich.
Bristow	Cullom	Johnson, N. Dak.	Smoot
Bulkeley	Cummins	Jones	Sutherland
Burkett	Curtis	Kean	Tillman
Burnham	Depew	Lodge	Warner
Burrows	Dick	Martin	Warren
Burton	Dillingham	Overman	

The VICE-PRESIDENT. Fifty-one Senators have answered to the roll call. A quorum of the Senate is present. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. BRISTOW. Mr. President, there was some discussion yesterday in regard to the accuracy of the figures furnished me by the Secretary of Agriculture in regard to the amount of sugar that is extracted from a ton of beets. I desire to read a letter which I have received from the Secretary of Agriculture in regard to his former communication. It is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., May 26, 1909.

DEAR SIR: I regret that the table showing the average yield of sugar per ton of beets in the various beet-producing States, submitted with my letter of the 24th instant, requires correction in the last five years. By a clerical mistake, the statistics showing the "average sugar in beets" were inserted instead of the "average extraction of sugar based on weight of beets." A corrected table is herewith inclosed.

Very respectfully,

JAMES WILSON, *Secretary.*

Hon. JOSEPH L. BRISTOW,
United States Senate.

The table referred to changes, as the amount of sugar extracted from a ton of beets throughout the United States for the year 1908, 316 pounds per ton to 249.4 pounds per ton. Similar changes are made in the figures given for the respective States.

I wish to say that this change in figures has no material effect upon the conclusion reached in my discussion yesterday. I want to further state in regard to the assistance which the Department of Agriculture has given me in this discussion, that I have always found that department, the head of the department and the subordinates, accommodating, prompt, and very efficient in responding to requests that I have made. This is a mistake which a clerk is likely to make if he is rushed or in any great haste in running down columns of figures. I do not want to offer any criticism. It might have been embarrassing, but, fortunately, it was not, as the figures do not in any way change the conclusion that anyone must reach on considering the question in all of its bearings.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. BRISTOW].

Mr. CUMMINS. May I ask what the amendment is?

The VICE-PRESIDENT. It is the amendment offered by the Senator from Kansas yesterday, and it has already been reread this morning. It proposes to strike from the bill the words "not above No. 16 Dutch standard in color," and the words "and on sugar above No. 16 Dutch standard in color."

Mr. CUMMINS. Mr. President, before the vote is taken, I desire to say a very few words with respect to it. I shall not ask the Senate to follow me through the labyrinth of contradictory statistics. I have given some study to the sugar schedule, and I desire to submit a phase of it which, as it seems to me, is rather more fundamental than has yet been suggested in this discussion.

I assume that Republican Senators, at least, intend by these duties to protect some American interest, and the inquiry I propound is, What American interest is intended to be protected by the duties imposed by this tariff? It seems to me that if we will look squarely at this subject we must agree that the conflict between beet sugar and cane sugar is irrepressible; it will be never ending; and, so far as this country is concerned, it is utterly impossible to protect, to foster, and guard the interests of the cane-sugar refiner and the beet-sugar manufacturer at the same time in the same law.

I for one believe in the picture painted by the senior Senator from Michigan [Mr. BURROWS] yesterday. Driven to choice, I am compelled to select as the beneficiary of our legislation, so far as my voice and my vote are concerned, the beet-sugar manufacturer, and to look primarily to the development of that business in the United States.

It is unquestionably true that we have a territory highly fitted for the production of sugar beets sufficient to supply every pound of sugar now used or that will be used by the American people. I believe that we ought to supply within our own territory the entire demand of the American people. The ideal position, as it seems to me, is enough beet-sugar manufactories to make 3,000,000 tons of sugar, with a competition between them that will reduce the price to a fair American level.

If we intend to accomplish that, if that is the end for which we are striving, then we ought to look carefully into the general framework of this schedule, for I believe, and I assert, that, adjusted as it is, it gives the beet-sugar manufacturer into the hands and puts him at the mercy of the cane-sugar refiner, and that there can be no great development of the beet-sugar interest, and that there will be no such development as I have mentioned, until you give to the beet-sugar manufacturer an advantage that he does not have under the schedule.

I know that the Senators from Louisiana will think that I am unmindful of the interests of that great State. If the only cane-sugar territory within the United States was within the State of Louisiana, there would be no difficulty whatever in reconciling the output from Louisiana with the output from the beet-sugar factories, because we could easily absorb the sugar produced in the State of Louisiana without seriously crippling the growth and development of which I have spoken. But we must add to Louisiana, Porto Rico; and add to Porto Rico, Hawaii; and add to Hawaii, the Philippine Islands, because the thing we are about to do in practical effect opens up to the Philippine Islands the markets of the United States in sugar without any restriction whatsoever, and we must take into account further that there is a likelihood that within a short time Cuban sugar will also come free into the United States. I make no prophecy; I do not know that that will happen; but without appearing to even suggest that there will be any change in the sovereignty of that island, I think every Senator here feels that it will not be very long until Cuban sugar will also enter the ports of the United States without duty.

When you take these things into consideration, it is perfectly apparent that the real struggle of the future must be between cane sugar and beet sugar; and if you, my friend from Michigan, want to supply the market of the United States with beet sugar, if instead of producing 400,000 tons, as we did last year, you want the manufactories of the United States to turn out 3,000,000 tons, as you so beautifully expressed yesterday and which must be the hope of every Senator here, what will you do with the sugar from Cuba and the sugar from Porto Rico and the sugar from Hawaii, with their opportunities for growth and development, and the sugar from the Philippines? Do you not see that in endeavoring to protect this industry you must choose between the extension of the cane fields and the development and the growth and the establishment of beet-sugar factories? To me it is as obvious as any fact which the world accepts.

That being true, I pass to the next position, which naturally grows out of the thing I have said. I believe that the sugar schedule discriminates in favor of the cane-sugar refiner. I believe that its end and its object is—I will not say the intentional object is, but its effect—to put the beet-sugar manufacturer at the mercy of the cane-sugar refiner and to build up the cane-sugar refiner. I am not here to discuss in any disparaging way the American Sugar Refining Company.

I know somewhat about its operations; but I consider it simply as a sugar refinery. If we are to build up the sugar refiner, if we are to make a market here, an unlimited market, a profitable market, for the cane grower of Louisiana and of Cuba and of Porto Rico and of Hawaii and of the Philippine Islands, and if their raw sugars are to be converted into refined sugars and sold in the American market, tell me where the beet-sugar manufacturer will find his opportunity to enter, absorb, and occupy the same market? The beet-sugar manufacturer is in direct competition, under normal industrial conditions, with the cane-sugar refiner.

Mr. FOSTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Louisiana?

Mr. CUMMINS. I do.

Mr. FOSTER. Does the Senator think that the cane sugar of Louisiana can compete with the cane sugar produced in Hawaii and the Philippines and in Cuba?

Mr. CUMMINS. I did not hear the Senator's question.

Mr. FOSTER. Do you think that sugar can be produced as cheap in Louisiana as it can be produced in Hawaii or the Philippines?

Mr. CUMMINS. If that question is propounded to me, and if I understand it aright, I think it can not be. I think it costs more in Louisiana to produce cane sugar than it does in either Hawaii or the Philippine Islands or in Porto Rico——

Mr. FOSTER. There is no doubt about that.

Mr. CUMMINS (continuing). And a great deal more than it will cost in Cuba when relations have so changed that Cuban sugar shall come in free. That is precisely the suggestion I made a few moments ago. If Louisiana stood alone as a part of the territory of the United States that had the right to free admission to our markets, there would be no difficulty, as I said before, in taking the output of Louisiana, which would, pro tanto, diminish the output, of course, of the beet-sugar manufactories. But we could well be content with diminishing the market of the beet-sugar manufacture so much. However, I repeat, when you broaden that territory and take in so vast an amount, so great an area of sugar-cane land, then you have a competitor that, if it succeeds, will take the whole American market and leave no opportunity whatever for the beet-sugar manufacturer.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. CUMMINS. Certainly.

Mr. CLAPP. I do not ask the Senator from Louisiana to answer in the time of the Senator from Iowa, but at this juncture I wish to ask the Senator from Louisiana a question which I should like to have answered. Assuming that you can not raise cane sugar as cheap in Louisiana as you can in the other countries where cane is produced. I should like to ask the Senator from Louisiana to explain how the cane interests of Louisiana can be benefited by constantly cheapening the price of raw sugar that is coming in here and simply protecting the refiner in the refined sugar. I would not ask the Senator to take the time of the Senator from Iowa, but as he sees fit later I should like to have the question answered.

Mr. CUMMINS. My answer to the Senator from Louisiana was simply an answer to a plain question, and I think of the truth of that answer there can be no doubt whatsoever. With regard to the extent of the production which Louisiana has, and whether it could be changed for the better, I am not now speaking. I am endeavoring to impress upon the Senate the obvious fact that you have here a competition between two great sources of supply—one the cane sugar, the other the beet sugar. The cane-sugar territory already within the limits of the United States, or within her protection, can be easily enlarged to supply all the sugar that the United States will consume. On the other hand, the beet-sugar manufacture or beet-sugar interests can be very easily enlarged and developed so as to supply the entire demand of the United States.

Now, the choice which you must make here and now is whether you want the cane sugar to take possession of our markets or whether you want the beet sugar to take possession of our markets. You can not choose both. We are at the parting of the ways, and you will be compelled either to favor such a schedule as will put the business into the hands of the cane-sugar refiners of the United States or as will put the business into the hands of the beet-sugar producers of the United States, for you can not with any legislation—it is beyond the power of

man—destroy or suppress this natural, never-ending competition between the producers of cane sugar and the producers of beet sugar.

I reassert that this particular schedule—not intentionally, I assume, although it would not disparage any man if I were to say intentionally—puts this business into the hands of the cane-sugar refiner. This schedule invites the utmost importation and the utmost volume of raw cane sugar into the hands of the American refiners; and every pound of refined sugar made by these refiners displaces a pound of sugar that might be made by the beet-sugar producers of the United States. You can not serve, in this instance, two masters—I will not say that one is God and the other mammon, but they are two separate, individual, contrary interests, and you can not by any combination of words serve the interests of both.

Mr. FOSTER. Mr. President——

The VICE-PRESIDENT. Will the Senator from Iowa yield further to the Senator from Louisiana?

Mr. CUMMINS. Certainly.

Mr. FOSTER. I am very much interested in what the Senator is stating, and to a certain extent I agree with him. I will join hands with him in keeping out, as far as possible, every pound of sugar coming from those islands. There is a provision in the bill which authorizes the importation free of duty of two or three hundred thousand tons of sugar from the Philippine Islands. Of course, I do not propose to ask the Senator how he will vote upon that proposition; but it looks to me as though voting against that provision and defeating it would go a far way in the direction of remedying the evil of which the Senator complains. But what remedy will the Senator suggest as to the probable percentage, as he has stated, between the cane-producing countries of the Orient and the beet-producing people of the country.

Mr. CUMMINS. Mr. President, I do not intend to suggest any remedy. I believe, if we admit 300,000 tons of Philippine sugar free, it will be another blow inflicted upon the beet-sugar interests of the United States.

Mr. CURTIS. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. I do.

Mr. CURTIS. I should like to ask the Senator if he believes there is any danger of our receiving, in the near future, 300,000 tons of sugar from the Philippine Islands?

Mr. CUMMINS. I am not so familiar with that subject as is the Senator from Kansas, probably, but my information is, if he means the immediate future, the next year or two or three, there is no danger, but that there is capacity there to produce, and if it is sufficiently inviting to capital, the production will follow.

Mr. CURTIS. I should like to state to the Senator that under the most favorable circumstances the most sugar ever produced in the Philippine Islands was about 262,000 tons, and I believe that there is no danger from importation of sugar from the Philippine Islands, and the duty will benefit the Philippine people in their markets in China and Japan, which are the natural markets for the Philippine sugar.

Mr. CUMMINS. I have not a particle of doubt that the admission of this sugar free will benefit the Philippine Islands. I have not one suspicion of doubt about it.

Mr. CURTIS. Mr. President——

Mr. CUMMINS. I do not believe it will benefit the people of the United States, and they are the people for whom I am particularly concerned, although I do not say that I will not vote for the admission of this sugar. It may be that the white man's burden will create an obligation on my part to do this much for the Philippine Islands, but I will be perfectly conscious when I do so vote, if I do, that I am not furthering the interests of the beet-sugar producer of the United States.

The VICE-PRESIDENT. Does the Senator from Iowa yield further to the Senator from Kansas?

Mr. CUMMINS. I do.

Mr. CURTIS. I wish to add to the statement, if I might, that evidence taken in the Philippine Islands discloses that the price of the Philippine sugar furnished China and Japan was the New York price, less the freight from Hongkong to New York. That is why I said it would benefit them in China and Japan.

Mr. CUMMINS. I agree entirely with the Senator from Kansas upon that point. I was not looking at it from the point of view of the Philippine Islands. I remember that since Porto Rico has had free admission to the markets of the United States her sugar production has multiplied several times.

I remember, too, that since Hawaii has had free admission to our markets, her sugar production has very greatly increased. I am told—I take this upon the opinions of others—that if Cuba had free admission to the markets of this country, she would supply every pound of sugar that we consume without any difficulty whatever. Therefore, I recur to my original proposition, that the real struggle in the United States is between beet sugar and cane sugar.

You gentlemen in whose States are developed great beet-sugar manufactories must take your choice now whether you will help to fill up this market with cane sugar, refined by the American Sugar Refining Company and other sugar refining companies, or whether you will help to fill it up with the products of your own factories. If I can show you, as I believe I can, that the schedule as it is now proposed is an aid rather to the cane-sugar refiner than to the beet-sugar producer, then you ought to stand for the thing that will help our manufacturing interests as well as our farmers who are tending toward the production of sugar beets.

I recognize that the doctrine of protection, while beneficent, while stimulating and fostering, is somewhat cruel, just as the doctrine of competition is cruel. I recognize that when you so frame this law that it will help as it ought to help the beet-sugar producer, you will not be helping the cane-sugar producer, no matter where he is or where his cane fields are.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. CUMMINS. I do.

Mr. TILLMAN. Under the stimulating influence of the tariff we produce beets over all of the northern part of the United States that will make sugar and make it profitably. We only produce cane sugar in Louisiana, although it can be produced all along the Gulf coast, in Florida, and other places, but not in competition with the Cuban sugar. I do not understand the Senator from Iowa to mean that he is against fostering the cane-sugar industry, but that his main solicitude is to foster the beet-sugar industry throughout the country. Is that what the Senator means?

Mr. CUMMINS. Mr. President, the Senator from South Carolina did not hear the early part of my address.

Mr. TILLMAN. I think I have heard all that the Senator has said, and he is now expressing his anxiety——

Mr. CUMMINS. Permit me, then, to repeat what I said, that if we had to consider Louisiana alone, if that was the only cane-sugar territory that had free admission to our market, or that would have, there would be little difficulty in taking care of her limited output and at the same time fostering the beet-sugar factories in the more temperate regions; but when you add to the free cane sugar of Louisiana the free cane sugar of Porto Rico, of Hawaii, and of the Philippine Islands, then you have introduced a problem that can be solved only by selecting one or the other of these sources of sugar.

Mr. TILLMAN. I was not able exactly to understand the Senator's reasoning, for I did not think it was possible that he was antagonistic to assisting Louisiana, but that he was mainly solicitous of the beet-sugar interest because he saw in that a possibility of supplying the entire national demand. I can not see, for the life of me, why Louisiana can not be aided and assisted without making a pet of the beet-sugar industry.

Mr. CUMMINS. Mr. President, she can.

Mr. TILLMAN. The way to do it, however, would be not to permit the cane sugar of the tropics—the Philippines, Hawaii, Cuba, and all those countries—to be dumped in here to the disadvantage of both of these industries.

Mr. CUMMINS. Mr. President, the suggestion of the Senator from South Carolina re-creates the very problem that I have tried to outline. We have already joined to the United States enough cane-sugar territory to supply our demand, practically.

Mr. TILLMAN. Even without beets at all?

Mr. CUMMINS. Precisely.

Mr. TILLMAN. Under our fostering tariff legislation we can get all the sugar we want from Cuba and Hawaii and Porto Rico without any beet sugar at all; but, under the tariff, beet sugar is now entering more and more largely every year into our consumption; and under the protection which the Senator wishes to give it—and I am willing—we shall have beet sugar grow by leaps and bounds, until we shall make a great deal more than we do now—several hundred thousand tons additional every year.

Mr. CUMMINS. And when the beet-sugar manufacturers have made all the sugar that we can consume, where, then, will be Louisiana or Porto Rico or Hawaii or the Philippine Islands with regard to our market?

Mr. TILLMAN. Louisiana happens to be inside the continental United States, thank God, and you can not hurt her by

any legislation you enact here—that is, if you are going to foster beet-sugar production.

Mr. CUMMINS. I hope not to hurt her. I hope the Senator from South Carolina will not understand that I am in favor of taking the duty off of raw sugar—and the raw sugar is the thing which Louisiana produces. If I would make any change at all, concerning which suggestions are to be made hereafter, I would rather raise the duty on raw sugar than to reduce it.

Mr. TILLMAN. I understood the Senator to be addressing himself to the problem as to how to foster beet sugar and Louisiana cane sugar without having the trust get the benefit of it.

Mr. CUMMINS. Not wholly, Mr. President. I believe, as I again repeat, that the struggle between beet sugar and cane sugar is perpetual.

Mr. TILLMAN. Undoubtedly.

Mr. CUMMINS. I do not believe that it can be prevented. Here are two competitors, therefore, drawing their product from different sources of supply. The United States is called upon to deal with that subject, and, in dealing with it, in the very nature of things it will be compelled to so adjust its duties that the cane sugar is more favored or the beet sugar is more favored, for, given that competition between these two products, you can not adjust a law that will be profitable for both.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. I should like to suggest to the Senator from Iowa that, while this antagonism may be very great, it is not nearly so great as it was when the beet-sugar industry was started in this country.

Mr. CUMMINS. Mr. President, the Senator from Michigan does not read history as I do, if that be his conclusion.

Mr. SMITH of Michigan. Mr. President——

Mr. CUMMINS. Let me answer. I will answer your question and your suggestion just as candidly as I can.

Mr. SMITH of Michigan. I had rather have an answer than a criticism, because I happen to know something about this.

Mr. CUMMINS. I will give you an answer, together with the criticism of the suggestion at the same time, because your statement embraced both a question and an argument; and, therefore, in replying to the question, I am at liberty to also reply to the argument.

In 1897 there were 8 or 9 or 10—I do not remember just how many—beet-sugar manufactories in the United States. They produced something like 40,000 tons of sugar. In five or six or seven years the beet-sugar interest grew to its present proportions, and the beet-sugar capacity is no greater now than it was five years ago. Why? Simply because the cane-sugar refiners came to the conclusion that the beet-sugar production had reached as large proportions as they could safely allow it to reach. You can not at the present time found or establish a beet-sugar factory without the assent and the concurrence of the American Sugar Refining Company.

Mr. SMITH of Michigan rose.

Mr. CUMMINS. Now, just a moment, and I will tell you why. I am not asserting that by ownership of stock the American Sugar Refining Company controls all the beet-sugar factories in the United States. I know it does not. It is quite likely, quite true, that in the State of Michigan your beet-sugar factories may be owned entirely by local capitalists and local manufacturers, but the position of the American Sugar Refining Company in this business is such that no man, if he has any financial sense whatever, will enlarge or establish beet-sugar production unless he knows that he can act in harmony with the American Sugar Refining Company, and therefore——

Mr. SMITH of Michigan. Mr. President——

Mr. CUMMINS. Allow me just to draw my conclusions. Therefore, for five years this sugar refining company—or I am willing to put it in the plural if it is offensive to anyone in the Chamber—these refiners have had such a grip upon the business, that the beet-sugar interests have grown only as they have assented and as they have approved.

Mr. SMITH of Michigan. Now, Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. Mr. President, the absence of optimism in my distinguished friend, the Senator from Iowa, reminds me of a similar scene when the present tariff law was under discussion in the House of Representatives. I then heard a prominent Democrat, who was selected by his associates to follow Mr. Dingley in the discussion of the Dingley law, say that it was an idle dream to think that certain Western States, including his own, could successfully engage in the beet-sugar industry.

The difficulties were so many that, west of the Missouri River the beet-sugar producer has been undersold by the American Sugar Refining Company in the price of his product in order to drive him out of business; yet under those discouragements what does history show? It shows that within ten years after the prophecy of Congressman Bell, of Colorado, the beet-sugar industry had been established in his own State, and that those beet-sugar factories in his own State to-day feed 4,500,000 people with the sugar produced within the borders of Colorado. Now, pessimism has no attractions for me; and the statement that our people can not draw products from their own soil, which are necessary to their daily life, has no foundation in fact. So long as sugar is a necessity of life, there will be found men with courage enough and enterprise enough and optimism enough to plant sugar beets and to refine them for use.

Mr. CUMMINS. Mr. President, the Senator from Michigan is always delightful; he is always charming, and, as it seems to me, sometimes irrelevant and immaterial [laughter], for I have said no word that conflicts with anything he has uttered. It has become his habit, whenever anyone criticises a single word or phrase in this schedule, to rise and declaim with respect to the possibilities of the future and the glories of the American Republic under the doctrine of protection. I am always glad to hear that declamation recited in a manner in which he is a master and superior, I am sure, to anyone in this Chamber; but I take some pleasure in recalling him occasionally to the point at issue.

I am more optimistic than you. I have more faith in the American Republic than you; but I have vastly less faith in this particular schedule than you have. That is the only difference between you and me.

Mr. SMITH of Michigan. And in every other schedule.

Mr. CUMMINS. Nearly every other schedule, because I have believed that there was opportunity to reduce these duties at many points and still preserve the doctrine of protection and still add to the glories and the growth of the American people; but on every occasion on which the Senator from Michigan has risen, he departs immediately from the point in order to declaim these eulogies upon a principle that no one disputes. He reminds me of what a famous after-dinner speaker once said with regard to the sentiment of a toast to which he was assigned. He rose, and, after reading the toast, said it was his observation, and certainly his experience, that the subject of an after-dinner speech was simply a point from which the speaker might depart, and to which he was never expected to return. But now, if I may, I will return to the real question.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. Certainly.

Mr. CURTIS. May I make one suggestion to the Senator?

Mr. CUMMINS. Certainly.

Mr. CURTIS. I remember when the Philippine tariff bill was before the Ways and Means Committee of the House, of which I then had the honor of being a member, the beet-sugar people stated that they did not build more factories and would not put money into factories because they were afraid of the unlimited importation of sugar from the Philippine Islands, and that if the amount was limited to 300,000 tons, they thought there would be no danger from the Philippine production, and that then they would invest their money. I say that was the argument presented to the Ways and Means Committee at that time.

Mr. CUMMINS. I assign the disinclination of the men with money to enlarge, as they ought to enlarge, the beet-sugar business of the United States to a fear growing out of the knowledge that the sugar refiners absolutely fix the price of the product; that this schedule enables them to fix the price of the product; that by reason of their exorbitant profit in the manufacture of cane sugar, or the refining of sugar, they can, and they do, establish the price of sugar; and no man—I repeat it—no man who is prudent and cautious in commercial affairs will invest his money to a very great extent in a beet-sugar factory when the American Sugar Refining Company can fix the price of his product without knowing that he is in concert and in harmony with the power to which he must yield. I do not say that he wants to yield to that power; but it is one that has been established over him without his consent.

Mr. SMITH of Michigan. If I understood the Senator from Kansas [Mr. BRISTOW], if the Senator from Iowa will pardon me——

Mr. CUMMINS. Yes.

Mr. SMITH of Michigan (continuing). He dealt with considerable emphasis upon the world's price of sugar being fixed in Hamburg. I suppose the American Sugar Refining Company fixes it there as well as here?

Mr. CUMMINS. Does the Senator from Michigan understand that I am simply repeating the argument of the Senator from Kansas? I have a view on this subject of my own.

Mr. SMITH of Michigan. It has a very familiar sound.

Mr. CUMMINS. Yes. So there are, then, two very familiar sounds floating around the Chamber.

Mr. SMITH of Michigan. Yes; there seems to be.

Mr. CUMMINS. In order to verify what I say, I will read briefly from the testimony of Mr. Colcock. I should like to ask the Senator from Louisiana, if he is in the Chamber, whether or not Mr. Colcock is a reputable man? It seems to be necessary here to support the character of witnesses when they are called. He is the gentleman who appeared before the Ways and Means Committee of the House, representing the Louisiana cane-sugar producers.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. I do not want to annoy my friend from Iowa——

Mr. CUMMINS. Do not mention it.

Mr. SMITH of Michigan (continuing). But it seems to me that the statements of these witnesses would carry more weight than their character. If the statements are fallacious, I do not care what the character of the man may be; and if the statements are sound, it does not matter from whom they come.

Mr. CUMMINS. However, the Senator from Michigan has possibly one test to detect fallacy, and I may have another.

Mr. SMITH of Michigan. I hope not.

Mr. CUMMINS. And therefore I think that it is of some value to know that the man who is testifying is acquainted with his subject and does not, intentionally, at least, depart from the truth.

Mr. SMITH of Michigan. There are some things——

The VICE-PRESIDENT. Does the Senator from Iowa yield further to the Senator from Michigan?

Mr. CUMMINS. Yes.

Mr. SMITH of Michigan. There are some things, if the Senator will pardon me, upon which we ought to be able to agree and upon which we do agree. We certainly can agree upon the necessity of producing our own sugar, if we can.

Mr. CUMMINS. Mr. President, it is very gratifying that we can agree upon that proposition. I am standing here trying to show, first, that we can produce our own sugar; second, that it ought to be beet sugar; and upon those two things the Senator from Michigan and myself entirely agree.

Mr. SMITH of Michigan. Perfectly.

Mr. CUMMINS. And, third, that if you want the beet-sugar producers to supply the market, then you will have to change the schedule a little; and, as I have not yet reached the place at which I am to point out the respects in which the schedule should be changed, I venture to say that the Senator from Michigan will not disagree with a proposition that I have not made. I read from Mr. Colcock. He is the man who represented the Louisiana cane growers. Mr. UNDERWOOD asked him this question:

Mr. UNDERWOOD. Is not the value of the cane sugar in Louisiana, the price of it for refining purposes, practically fixed by the American Sugar Refining Company and not by the markets of the world?

Mr. COLCOCK. I should say absolutely; not practically, but absolutely.

Mr. UNDERWOOD. Absolutely fixed by the American Sugar Refining Company?

Mr. COLCOCK. Absolutely.

Mr. UNDERWOOD. Therefore isn't it a fact that last year the Louisiana sugar producer sold his sugar to the American Sugar Refining Company at a price largely below the world's price, with the tariff duties added?

Mr. COLCOCK. Not only last year, but to-day.

Mr. SMITH of Michigan. Every day.

Mr. CUMMINS. Every day; and, therefore, when a beet-sugar factory is proposed in a community, the very first inquiry is, "Can I dispose of my product at a fair profit? If I can not, then I refuse to invest the capital necessary to create the industry. The thing that I know, and the thing that the world knows, is that the American Sugar Refining Company, as it is now ordered, or in connection with the other cane-sugar refiners of the country, fixes the price of my product; and if I have the sense which ought to keep me out of the poorhouse I will not invest my money, therefore, in a beet-sugar factory, subject to those vicissitudes, and, possibly, to the injustice which grows out of absolutely uncontrolled and unrestricted power." That is the reason. Senators, you may blink it if you will; you may refuse to recognize it if you will; but the reason that the beet-sugar industry in the United States has languished in the last four or five years, the reason that it has not grown as it should have grown, is that the cane sugar of the country fixes the price; and you have adjusted a schedule that enables the cane-sugar refiner to dominate the situation; and I ask you to emancipate yourselves from that tyranny and from that control.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. SMITH of Michigan. I should like to ask the Senator whether before we had beet-sugar factories in the country that same identical condition did not exist?

Mr. CUMMINS. No.

Mr. SMITH of Michigan. Why?

Mr. CUMMINS. Simply because the power of the American Sugar Refining Company had not been established. It takes a little while for us to recognize a hidden and a secret master; it takes a year or two, or a few years, to unearth and discover the power that such an industrial tyrant can exercise.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. The Senator from Iowa is always interesting.

Mr. CUMMINS. That is a compliment, Mr. President, that I know precedes a rebuke.

Mr. SMITH of Michigan. No; it does not; you are mistaken. You might need it, but I am not going to give it to you. The Senator from Iowa is always interesting, but, fortunately or unfortunately, I will not say which, he is not familiar with the discussions of this identical schedule when the Dingley law was passed or he would know that the hydra-headed monster that alarms him so much now was just as active then as it is to-day; but notwithstanding the towering menace of the Sugar Refining Company, our citizens have embarked in the enterprise; they have made some money, they have afforded the farmer a market, and they have sold to the consumer his sugar cheaper than ever before, notwithstanding all those dire conditions named by my friend. So I did not rebuke you.

Mr. CUMMINS. No; Mr. President, the Senator did not rebuke me; he rather corroborated me, which is an exceedingly rare thing for the Senator from Michigan to do.

Now, I am not so unfamiliar with the discussion in the House of Representatives in 1898 as the Senator from Michigan thinks I am. On the contrary, I have been a very diligent student of the passage of the Dingley tariff law, and I know, and you know, that it was said to the beet-sugar producers that this particular schedule would relieve them of the control of the cane-sugar refiners. They believed it, and they went on diligently from that time until, in four or five years, they had multiplied nearly ten times their capacity for sugar. In the meantime the sugar refiners had not been indolent. They had been devising ways and means to establish over the beet-sugar producers the same domination which they had exercised over other fields before.

Mark you, now, there was one man in Congress, possibly more, and in the Senate, too, who knew that this would not develop the beet-sugar industry as it should. There was one man who knew that, in order to overcome the advantage that this law would give to the sugar refiner, something independent and additional ought to be done for the beet-sugar producer. There was one man, at least, who was not deceived, and he was a very wise man, and he was not a Populist, he was not a Democrat; but he was a Republican, who stood in the front rank of the Republicans of the Senate, whose memory is cherished here, and whose wisdom is applauded with each recurring day.

I refer to my distinguished predecessor, the late Senator from Iowa, Mr. Allison. He saw a great deal more clearly than you seem to have observed the effect that this law would have upon this business and the way in which it would give power to the cane-sugar refiner; and he sought to protect in another way and to stimulate and foster in another way the beet-sugar producer; and if the Senator from Michigan——

The VICE-PRESIDENT. The Chair will suggest to the Senator from Iowa that both he and the Senator from Michigan have inadvertently transgressed the rule by addressing another Senator in the first person. The rule provides that a Senator shall address another Senator only in the third person. The Chair is sure the two Senators have violated the rule inadvertently, but he thought it wise to call their attention to it at this time.

Mr. CUMMINS. I may be pardoned on account of my inexperience, but the Senator from Michigan is inexcusable. [Laughter.]

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I yield.

Mr. BACON. Mr. President, I wish to say, in connection with the suggestion just made by the Chair, that I think it is a very timely thing to bring to the attention of the Senate, because the transgression of that rule is not confined to those who have the excuse the distinguished Senator from Iowa has just given; but we are all in greater or less degree offenders, including myself, upon occasions.

It is an extremely important rule in parliamentary practice; one not only conducive to decorum in debate, but absolutely essential to decorum in debate; and I take advantage of the opportunity presented by the suggestion from the Chair, not only to plead guilty myself, but to ask the attention of other Senators to it. The fundamental rule in parliamentary intercourse is that Senators should only be addressed in the third person, and should *only* be spoken of in the Chamber in the third person; and it is a safeguard against asperities in debate and personalities of all kinds. I take advantage of the opportunity to say what I do, because I myself am sometimes an offender. I remember that once a former Senator from Massachusetts, Mr. Hoar, who bore a very distinguished part in the annals of this Chamber, was calling attention to the same thing, and in doing so he used this expression, that there was but one "you" in the Chamber, and that was the presiding officer; that "you" could be applied to the Senators as a body and to the presiding officer as a representative of the body in its entity; but that it could never under any circumstances be applied to an individual Senator; and I trust, Mr. President, that I may be excused for emphasizing the very timely suggestion of the presiding officer in regard to this matter.

Mr. CUMMINS. Mr. President——

Mr. SUTHERLAND. If the Senator will permit me, before he resumes the thread of his argument——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SUTHERLAND. I understood the Senator to say that the beet-sugar business of this country had languished during the last five years. Just what does the Senator mean by that—that it has not been making satisfactory progress; that there have been no new factories established, or what?

Mr. CUMMINS. Practically that.

Mr. SMITH of Michigan. That it has been practically stopped?

Mr. CUMMINS. That the capacity of beet-sugar factories is not greater now than it was five years ago.

Mr. SUTHERLAND. Either the Senator from Iowa misunderstands the situation, or I do. I understand that during the last seven years there have been 40 new factories established in the United States; that since 1897 there have been 74 altogether, and more than half of them during the last seven years; that 15 of those 40 have been established during the last three years; so that we have had more than a third of the 40 that have been established during the last seven years established in three years.

It seems to me, if I am correct in those figures, and I think I am, that the beet-sugar industry of this country has been making rather satisfactory progress. Now, if the Senator will permit me, let me call his attention to the facts. The letter of the Secretary of Agriculture, being document No. 22 of the Senate, Sixty-first Congress, first session, which was sent to the Senate in response to a resolution, shows that, in 1897, 3 factories were built; in 1898, 9 factories; in 1899, 12 factories; in 1900, 5 factories; in 1901, 5 factories; in 1902, 6; in 1903, 9; in 1904, 4; in 1905, 6; in 1906, 12; in 1907, 2; and in 1908, 1.

Mr. CUMMINS. If the Senator will read, at the same time, the statement of the factories that have been abandoned in that period, he will have a complete statement of the situation.

Mr. SUTHERLAND. If the Senator will permit me, I have read that, and I will read it directly from the report of the Secretary of Agriculture. Probably that will be more satisfactory than my own statement. He says:

> It appears from the foregoing table that during the six years of the first period 41 factories were put in operation, of which 17 failed later, the percentage of failures being 41 when based on number of factories and 33 when based on aggregate capacity. On the other hand, during the seven years of the last period only 2 of the 40 factories completed and operated failed later, the per cent of failure being only 5. These figures most forcibly demonstrate the increasing stability of the beet-sugar industry.

Then the Secretary proceeds:

> Of the 19 factories which failed, 2 were later restored to usefulness under new managements—those at Grand Junction, Colo., and Menomonee Falls, Wis.; all or part of the machinery from 11 others has been utilized in new factories in other localities; 2 were destroyed by fire; and 3 are standing fully equipped, and may resume operations at some future time.

So, with all due respect to the Senator from Iowa, I must disagree with him when he says that the beet-sugar industry of this country has languished during the last two years.

Mr. CUMMINS. The statement that I made is found in the testimony before the Committee on Ways and Means of the House. The question whether the industry has languished or not is one of words. It is possible that I ought not to have used the word "languished;" but if you should apply that strictness of interpretation to the entire debate that goes on in the Senate, we would need the services of a schoolmaster, rather than a statesman, I think. What I meant to say was that the capacity of the beet-sugar factories had not materially increased, I think I said, in the last four or five years, and I attempted to give the reasons for it. I see I have not a reference to the statement here, but I am sure I am not mistaken in the view that that statement is given in the testimony before the Ways and Means Committee. But I now refer to the incident to which I have referred——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. CUMMINS. I do.

Mr. TILLMAN. I have in my hand the Statistical Abstract for 1907, and, following the Senator's argument, I have looked up some figures, which I will give him, if he has no objection.

Mr. CUMMINS. I have none.

Mr. TILLMAN. I see that during the winter, or what they call "the campaign of 1905–6," there were produced in this country 625,000,000 pounds of sugar from beets, and in the campaign of 1906–7 there were produced 967,000,000 pounds of sugar from beets, showing an increase of over 300,000,000 pounds, and that is nearly 50 per cent; so that if there was a little period of depression, all the figures are here, and the increase was not so great during the preceding five years. In 1901–2 it was 369,000,000 pounds; in 1902–3, 436,000,000 pounds; in 1903–4, 481,000,000 pounds; in 1904–5, 484,000,000 pounds; showing that there was not much progress during those four years. But it leaped up to 625,000,000 pounds in 1905, and the following year 967,000,000. I do not know what it was last year, but it does not seem to me that the Senator has much foundation for his opinion in regard to depression, stagnation, or lack of progress of the beet-sugar industry during the last five or six years.

Mr. CUMMINS. That statement may be entirely accurate, and mine still wholly true.

Mr. TILLMAN. We are all tangled up with so many figures here that contradict each other. We had an illustration of that yesterday, when the Secretary of Agriculture seemed to have sent conflicting figures or statements in here.

Mr. CUMMINS. I take this statement from the testimony before the Ways and Means Committee with regard to the capacity of the beet-sugar factories. I was not speaking of the production. If I should deal with the question of production, that would admit other considerations which I do not think are material to the point I make.

But now I return to the passage of the Dingley law and the view that Senator Allison had with regard to what was necessary to help and establish the sugar-beet industry. It seems that during its progress through the Senate Mr. Allison said:

> I offer this morning two or three amendments to the bill, which I do not ask to have considered at this moment, but I offer them now in order that they may be sent to the printer immediately and returned at an early hour during the morning. I offer the amendment which I send to the desk.
>
> The VICE-PRESIDENT. The Secretary will read the amendment.
>
> The SECRETARY. On page 200, after line 14, insert as a new section:
>
> "SEC. —. That on and after July 1, 1898, and until July 1, 1903, and no longer, there shall be paid from any moneys in the Treasury not otherwise appropriated, under the provisions of section 3689 of the Revised Statutes, to the producer of sugar made from beets grown within the United States during the calendar year 1898 and each succeeding calendar year until July 1, 1903, a bounty of one-fourth of 1 cent per pound."
>
> Mr. JONES of Arkansas. On what many of us hoped would be the last day of the consideration of this bill the committee comes in with what is unquestionably the most radical departure from what has been the practice of the Government for a century in tariff taxation as an amendment.

Then the RECORD shows that several Senators addressed to Mr. Allison the remark, "Withdraw it." Mr. Allison said:

> In view of what has been stated by Senators on the other side of the Chamber, that the amendment will lead to a prolonged debate, I withdraw it. I agree with what has been so well stated by the Senator from Nebraska [Mr. Thurston], that it is not the purpose or wish of those who wish to pass the bill to introduce into it any new questions which will prolong the debate. Therefore, if in order, on behalf of the committee, I ask leave to withdraw the amendment.

It is therefore apparent that Senator Allison, in order to overcome what he believed to be the inequalities of the sugar

schedule and the discrimination which he believed to be practiced against the beet-sugar people, introduced an amendment giving to the beet-sugar men a bounty of a quarter of a cent a pound in order to insure their prosperity and their development.

Mr. SMITH of Michigan. Mr. President, in order that——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. In order that the RECORD may show a similar state of mind in my own State at that time, I want the Senator from Iowa to note that the State of Michigan also passed a bounty law before the time referred to, because it was so deeply interested in the development of this industry; so that the Senator from Iowa, Mr. Allison, and the people of my State were in perfect accord as to the wisdom of doing whatever was necessary to stimulate this industry.

Mr. CUMMINS. I have no doubt of the statement just made by the Senator from Michigan. The Senator is desirous of promoting the interests of the beet-sugar industry. So is his State; so is my State; so is every State; and the only question is, How can it best be done? Now, the Senator from Michigan seems to think that it can best be done by making it exceeding profitable to refine cane sugar in the United States; whereas I think the interests of the beet-sugar men would be promoted by making it unprofitable to refine cane sugar in the United States, or, at least, to withdraw from the cane-sugar refiner the opportunity to make undue and excessive profits, and thereby supply the market which the beet-sugar producer ought to supply.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa further yield to the Senator from Michigan?

Mr. SMITH of Michigan. I do not think I have abused the courtesy of the Senator from Iowa.

Mr. CUMMINS. I yield with great pleasure, Mr. President. I want the Senator from Michigan to understand that there is no reluctance or mental reservation about my yielding to him.

Mr. SMITH of Michigan. And I know I have not abused the patience of other Senators. If the Senator will recall, I have not taken very much time in this entire tariff discussion, and I do not propose to.

Mr. TILLMAN. Mr. President, this is a private conversation, so far as the Senators over here are concerned.

Mr. SMITH of Michigan. But I will not permit the Senator from Iowa to describe my interest in the beet-sugar industry in the manner in which he has done. I will not permit you to say without contradiction that I propose——

Mr. CUMMINS. Mr. President, I ask the protection of the Chair. [Laughter.]

The VICE-PRESIDENT. The Chair begs to state to the Senator from Michigan that the person now addressed is the Senator from Iowa and not "you."

Mr. SMITH of Michigan. I am glad that the Senator calls for the protection of the Chair. I ask only for the approval of my constituents, and I will not offend the proprieties of the Senate, and know that my learned friend from Iowa will not do it.

Mr. CUMMINS. I sought the protection of the Chair only to carry out the eminently appropriate views expressed by the Senator from Georgia [Mr. BACON].

Mr. SMITH of Michigan. And if the Senator from Iowa and myself will always adopt his views, we will never violate the Senate rules.

Mr. CUMMINS. I have yet much to learn with regard to the proprieties and manners of the Senate.

Mr. SMITH of Michigan. The Senator is a very apt pupil.

The Senator says I would keep the rate of duty high upon refined sugar in order to assist the beet-sugar development of my State. Is that correct?

Mr. CUMMINS. I have not stated any such thing; but I assume that the Senator from Michigan is simply making the inference that seems to him to be the correct one.

Mr. SMITH of Michigan. If I misunderstood the Senator, I certainly am not going to take his time. Did not the Senator say that that was my view, evidently?

Mr. CUMMINS. What I said was that evidently the Senator from Michigan believed that he could best protect the beet-sugar manufacturer by making it profitable for the cane-sugar refiner to do business in the United States.

Mr. SMITH of Michigan. Exactly. I utterly repudiate that statement, Mr. President. I would help the beet-sugar producer by giving stability to our government policy in sugar tariffs. That is the way in which I would encourage that industry, and not by making it unfairly profitable to the sugar-refining companies, as the Senator has suggested.

Mr. CUMMINS. I am very glad to know the views of the Senator from Michigan upon this point. Unfortunately the Senator from Michigan, instead of expressing his views in an independent way and in his own time, always expresses them as a part of somebody else's speech.

Mr. SMITH of Michigan. I withdraw it. My friend is so generous and so emphatic that he tempts his colleagues to interrupt him, and I have fallen into the habit. I assure him, however, that I would not do so were the Senator not gifted in debate and amply able to readily reply.

Mr. CUMMINS. I am not criticising that, save that it is not always quite fair to the Senator who has the floor, inasmuch as an interruption of that kind necessarily anticipates something that has not yet been said.

I declare again that if those who favor the present paragraph are moved by those reasons which usually actuate men in construing language, they must think they can best protect the beet-sugar manufacturer by making the cane-sugar refiner as prosperous as he can be made. I have just the other view. I do not want to injure the cane-sugar refiner except as that injury must necessarily result from due protection to the beet-sugar manufacturer. I think every pound of sugar turned into the market by the cane-sugar refiner displaces just so much of the product that ought to be put into the market by the beet-sugar producer, and therefore if I were adjusting this schedule I would adjust it so that the cane-sugar refiner at least would have a more difficult time than he now has in turning raw sugar into refined sugar; and that brings me finally to the amendment before the Senate.

I am speaking now of the amendment which eliminates from this schedule the Dutch color standard. It is of course old; it is unscientific; it is useless; it is absurd for any other purpose except to turn into the cane-sugar refiner all possible importations of raw sugar. That is the only office it can serve; and that is why I say I am simply amazed that anyone who has at heart the interest of the beet-sugar producer can for a moment hesitate with respect to the propriety of eliminating from this schedule that test of introduction into our market.

Mr. FOSTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Louisiana?

Mr. CUMMINS. I do.

Mr. FOSTER. As a matter of information, do I understand the Senator to contend that the Dutch standard is used in this country as a test of sugar reaching to 96? Do I understand the Senator to contend that the Dutch standard is in operation as to all sugar coming into this country?

Mr. CUMMINS. It is not. It is not in operation as to those sugars which come in free of duty.

Mr. FOSTER. But sugars coming in subject to duty; do I understand the Senator to hold that the Dutch standard applies to all sugars coming into this country subject to duty?

Mr. CUMMINS. I hardly understand the question. As I view the law, all sugar coming into this country, all lighter than the Dutch standard No. 16, pays the same duty as refined sugar. That is true, is it not?

Mr. FOSTER. If I understand the Senator, I do not think it is true.

Mr. CUMMINS. And all sugar that comes into this country below the Dutch standard No. 16 must necessarily be refined, in order to be used at all, and therefore the effect of the Dutch standard is to prohibit the importation of raw sugar above the Dutch standard and to turn all the raw sugar under the Dutch standard into the hands of the cane-sugar refiner. That is the effect of the Dutch standard.

Mr. FOSTER. That answer compels me to ask the Senator what he understands by the Dutch standard.

Mr. CUMMINS. I would be a very dull listener if I did not know something about the Dutch standard in view of what occurred yesterday.

Mr. FOSTER. Do I understand the Senator to hold that all sugar coming into this country subject to duty must come in subject to the Dutch standard?

Mr. CUMMINS. Not at all; the Dutch standard does not subject anything to anybody. If the sugar comes in, and if it is sixteen or under, then it pays the duty according to its saccharine purity. If it comes in over sixteen in color, then it pays duty as refined sugar.

Mr. FOSTER. Then the Dutch standard does not apply to any sugar under 16 coming into this country?

Mr. CUMMINS. In the sense in which the Senator from Louisiana evidently uses the phrase, I affirm his proposition.

It applies in the sense that there it stands, ready to take hold of the article if it rises to that point in color, but if it is below 16, then it pays duty simply according to the saccharine purity.

Mr. FOSTER. I understood the Senator to say that we were applying to all sugars coming into this country the obsolete Dutch standard color system. I ask him does he understand that sugars coming into this country under 16 Dutch standard are tested by the polariscope or by the color?

Mr. CUMMINS. If it is under 16 Dutch standard in color, it is decided only by the polariscope.

Mr. FOSTER. That is the fact.

Mr. CUMMINS. If it is over that, then the polariscope disappears, and it is tested and the duty is paid according to refined sugar. I understand the Dutch standard. I have given a good deal of study to it, and I think I know something about its application, and the effect of that provision in our law is first, to prevent the importation of any raw sugar, upon which duty is paid, over 16 Dutch standard, and it is, of course, to turn into the cane-sugar refiner all the sugar of that standard or below, because if it is imported of that color or below it must go to the cane-sugar refiner. It can not go to the trade; it is not usable, in a general way, below the standard I have mentioned. So we are here devising, apparently, a scheme to give to the American cane-sugar refiner every pound of sugar that can be brought into America, whether from free countries or whether from dutiable countries.

My conclusion from that is not so much antagonistic to the Senator from Louisiana as it is to assert that we are not giving the beet producer a fair show. We are opening the gates for the introduction of enough refined sugar to supply all our demands. How can the beet-sugar man prosper under those conditions unless he can undersell his cane-sugar competitor? That is the only way in which he can take the market. If you so adjust this schedule that there is a vast profit to the cane-sugar refiner, you have to just that extent put a restriction and a burden upon the beet-sugar producer. Although you may not agree with me to-day upon that proposition, I hazard the prediction that the time will come when we will be compelled to choose between these things. It is therefore that I favor the striking out of this useless, unnecessary, burdensome, unjust restriction in our tariff law. I do not assert that striking it out would bring to the ultimate consumer sugar one penny less than the price at which he now gets it. It might, if the American taste would change and if the American market would take unrefined sugar. I do not know whether it will or not. There are some countries in which the market will take unrefined sugar. I am not predicting that our market will. I am not particularly anxious that our market shall. It will not hurt my feelings at all if the high taste and the high tests of Americans shall still demand and still insist upon refined sugar.

But I do not intend to allow my vote or my voice to bring that sugar from the cane-sugar refiner instead of from the beet-sugar factory. There is the point upon which Senators appear to differ from me. I assert, and it seems to me obvious, that the Dutch standard does help to get this sugar into the hands of the cane-sugar refiner.

I would a great deal rather they would take the sugar above the Dutch standard in color, of 17, 18, 19, or 20. If that could be put upon the market, and if Americans would take it, it would be vastly better for the beet-sugar producer than to put it into the hands of the cane-sugar refiner and allow him to dominate the market and to present it in competition, direct, positive, unescapable competition, with the beet-sugar producer.

Mr. SUTHERLAND. Will the Senator permit me to ask him a question?

Mr. CUMMINS. Certainly.

Mr. SUTHERLAND. I confess to the Senator from Iowa that I do not understand very much about the Dutch standard. Sometimes I have a suspicion that I do understand something about it, but when I come to investigate my mental processes, I am in doubt. However, I want to put this question to the Senator: Whenever sugar is above No. 16 Dutch standard in color, does that not indicate that it has undergone some process of refinement, that it has been advanced from the natural condition which it has when it has been first turned into the raw sugar?

Mr. CUMMINS. Mr. President, a part of the Senator's question I answer no, and a part of it I answer yes. He has asked two questions which are contradictory; that is, he has asked two questions in one, and their parts are contradictory to each other.

The Senator asks me if sugar above the Dutch standard No. 16 has not passed through some process of refining. I say no. He asks me, and he uses it as an alternative or as meaning the same thing, whether it has not been advanced beyond the No. 16 standard or color test. I say, yes; it has been advanced by some revolutions of the centrifugal wheel or machinery that throws off the molasses.

Let us see now about this. I have not known much about sugar. I have eaten a good deal of it in my time, but I never have been led to inquire into it scientifically until now. I ought not, of course, to attempt to instruct the Senator from Utah. He comes from a beet-sugar country, and knows better than I do about it. I will address myself to the other Senators.

Mr. SUTHERLAND. We have nothing to do with the Dutch standard, however, in my State.

Mr. CUMMINS. Fortunately not. The sugar crystal is white. No matter whether it comes from beets or whether it comes from sugar cane, the sugar crystal is as white as snow. But when it is precipitated it is covered by molasses or molasses pellicles, and possibly some other impurities, and it is the covering of the sugar crystal that gives it its color. For instance, suppose that glass were half filled with sugar of the Dutch standard No. 16 in color. If you were to pour it out into a mortar and take a pestle and grind it, it would become almost white without any process whatsoever, except the mere crushing of the sugar crystals. So the original covering of the crystals would not be in the same proportion, if you please, to the surfaces as they were before.

That is all there is in the matter of color in sugar. It is the covering of the sugar crystal that gives it its color, and it may be molasses, it may be something in the nature of resin, possibly, or some other impurity of that kind. All that the sugar refiner does in the world is to take that sugar and dissolve it in water and pour it into a tube filled with boneblack, and it comes out at the other end molasses water, just as pure and as clear as the water from a mountain spring. Then the refiner evaporates the water, and he has white refined sugar.

The Dutch standard is one that has no relation, or no close relation, to sweetness or to saccharine purity. It has relation only to color, and the sugar producers of Cuba, Santo Domingo, and other countries from which dutiable sugar comes have a lot of trouble in keeping the color of the sugar below the sixteen standard in order that they may bring it in.

What I am asking the Senate is, What possible good can that test be to the beet-sugar man? That is the question. It turns more sugar into the cane-sugar refinery than would otherwise go there. That is as sure as that the sun rises in the morning and goes down at night. What do you want the cane sugar to go into a sugar refinery for? To take the place, apparently, of the sugar that comes refined from the beet-sugar factory.

Mr. BACON. The Senator seems to be entirely familiar with these processes. I should like to have him tell us, as a matter of information, how it is that beet sugar is made only as refined sugar? I ask purely for information. I am not informed myself how it is, but I understand that beet sugar is produced only in the refined state.

Mr. CUMMINS. That is true.

Mr. BACON. I desire to know why it is that that should be true in the case of beet sugar and not true in the case of cane sugar. What is the difference in the process of manufacture that produces those different results?

Mr. CUMMINS. There is a fundamental difference in this: The molasses or the impurity that arises from the manufacture of beets is very obnoxious to the smell or taste. The beet sugar crystallizes in an entirely different way from the process of the cane sugar. In manufacturing beets into sugar there is a great vat or inclosure filled with beets, and they are lifted up and poured into a trough, and there they begin and go down, conveyed by carriers and every other sort of machinery. That beet is never touched by human hands again until it rolls out of a spout pure white granulated sugar.

So the process is wholly different. Of course in cane sugar, with which the Senator from Georgia is entirely familiar, you put the juice into a vat or pan and boil it and purify it, and gradually it crystallizes, precisely as maple sugar crystallizes from the sap of a maple tree. Sometimes the crystals of the cane sugar are small, sometimes large, depending a great deal upon the way in which the process is carried on and the skill with which it is carried on. As I said, it takes a pretty skillful man in making cane sugar, unless the cane is very bad, to keep in the process of manufacture the sugar below the Dutch 16 standard. That is what has to be done in order to bring the sugar into the United States tested only by its saccharine purity, because the moment it rises above, so that any human being would use it on his table, or use it even in his kitchen, then we impose the full duty of $1.95 a hundred upon it.

I say, therefore, that the man who wants to sustain beet sugar, who believes that that is the industry that should prosper, that it is from that source we should get our supply in the future, can not stand here for the retention of this test in our

schedule. I speak now, and have spoken, with regard to the amendment of the Senator from Kansas, with regard to striking it from the law. I say strike it from the law because it is a discrimination against the beet-sugar producer. I say strike it from the law because it is useless, unnecessary, unjust, and unscientific, and, as was so well exhibited yesterday, it has been abandoned by 40 of the principal nations of the world. It gives no stability to business; it adds no safety to business, and compels the whole world which exports sugar to the United States under duties to pay tribute to the cane-sugar refiner.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Will the Senator from Iowa yield to the Senator from South Carolina?

Mr. CUMMINS. Certainly.

Mr. TILLMAN. I want to get a little information. The Senator mentioned a moment ago that there was something about the beet which was very offensive, and that beet sugar had to be refined to the fullest extent to make it palatable. Did I understand the Senator correctly?

Mr. CUMMINS. Substantially.

Mr. TILLMAN. Then, I want to ask the Senator how he reconciles that statement with the fact with which we are all familiar, that that is not true of the ordinary garden beet, which is a form of the sugar beet? The sugar beet has only been evoluted from the common beet by selection and processes of getting seed which tested a high degree of saccharine. Why is not that the case with the garden beet which is boiled in kettles on our stoves and which our mothers and our cooks have been boiling for us? Somebody must have been giving the Senator some misinformation on that subject.

I absolutely suspect that this trouble about the process of refining and not being allowed to stop beyond the full refinement is a humbug. I believe that you can make good brown sugar from beets just as much as you can make good brown sugar from cane, and that this difference between refining and the 16 Dutch standard, to which the Senator is so much opposed, and which I do not like myself, is a humbug. It is intended, he said, to compel the sugar to go through the refining kettles of the American sugar trust and shut us off in getting good, honest brown sugar, such as we used to use when we were boys.

Mr. CUMMINS. I yield to the Senator from South Carolina as a scientist. I can only say that I have spent some time in beet-sugar factories, and I know——

Mr. TILLMAN. Do they ever put any chemicals with the beets in making beet sugar?

Mr. CUMMINS. The Senator from South Carolina can not tell me anything about the smell of a beet-sugar factory, because I have been there.

Mr. TILLMAN. I do not dispute that at all, but I assert what the Senator and every other man here knows, that in the table beet there is no inherent trouble with the beet itself, and there must be some chemical put in to bring about that scent.

Mr. CUMMINS. I do not speak as a scientist. I speak only as observation teaches.

Mr. ALDRICH. Will the Senator permit me to ask him a question?

Mr. CUMMINS. Certainly.

Mr. ALDRICH. The Senator has two or three times alluded to the fact that the tariffs of other countries do not assess duties by the use of the Dutch standard of color. Will the Senator, who seems to have great knowledge upon this subject, be kind enough to tell us what the tariff of Germany, for instance, is?

Mr. CUMMINS. I asserted that yesterday the Senator from Kansas [Mr. BRISTOW] stated that about 40 countries had abandoned the Dutch standard, the color standard, as I remember it.

Mr. ALDRICH. In their tariffs, I suppose the Senator means? I thought the Senator from Iowa might have had some knowledge himself on the subject.

Mr. CUMMINS. I simply reiterated the statement of the Senator from Kansas. My position here is that it ought to be eliminated, if every country in the world had it.

Mr. ALDRICH. The Senator's statement was that these other countries used the polariscopic test in their tariff. The Senator was mistaken; and I did not know but that he might have some knowledge on the subject.

Mr. CUMMINS. I did not assert that, and the Senator from Rhode Island must contest that point with the Senator from Kansas. I am simply arguing that so far as our country is concerned this test can have but one effect.

Mr. BRISTOW. I did not hear the remarks of the Senator from Rhode Island.

Mr. ALDRICH. I was asking the Senator from Iowa for information as to what the German tariff on sugar is. Perhaps the Senator from Kansas can give us that information.

Mr. BRISTOW. I have some information about the American tariff on sugar.

Mr. ALDRICH. I understand; but the Senator was quoted by the Senator from Iowa as authority upon the tariffs of other countries, and I should like to test his knowledge upon several of those countries.

Mr. BEVERIDGE. Mr. President, the Senator from Rhode Island can tell us authoritatively whether it is true that all nations in the world have abandoned the Dutch standard excepting only 12, which were read here yesterday.

Mr. ALDRICH. It is not.

Mr. BEVERIDGE. It is not true?

Mr. ALDRICH. It is not true.

Mr. BEVERIDGE. That statement was made yesterday.

Mr. ALDRICH. I will say that no country I know of uses either the polariscopic test or the Dutch standard test in its tariff. They never had it.

Mr. BEVERIDGE. Did Holland never have it?

Mr. ALDRICH. Holland had it, of course.

Mr. BEVERIDGE. And she abandoned it?

Mr. ALDRICH. Of course not.

Mr. BEVERIDGE. She still retains it?

Mr. ALDRICH. Of course.

Mr. BRISTOW. I did not catch that remark.

Mr. ALDRICH. I was asking for information, to try to confirm some of the statements that have been made here, what the German tariff is. The German tariff has been mentioned specifically by several Senators. Probably the Senator from Indiana, who seems to have knowledge on this subject, may be able to state it.

Mr. BEVERIDGE. No, Mr. President, I am trying to search for knowledge. Therefore, when the Senator from Rhode Island was putting the question—and there seemed to be a question as to the statement that was accepted by everybody from the Senator from Kansas yesterday—that the Dutch standard had been abandoned by these countries, before we went any further I wanted to know what the facts are. I am a searcher for information on this question, and I think the Senator from Rhode Island, above all men here, can give it to me. I ask again if it is true, because I am interested, if Holland had the Dutch standard and if Holland ever abandoned it?

Mr. ALDRICH. The Dutch standard was originated in Holland.

Mr. BEVERIDGE. Has it abandoned it?

Mr. ALDRICH. It has not abandoned it. No country has abandoned it in commercial uses. I am speaking about commercial uses in trade.

Mr. CUMMINS. Mr. President, this colloquy must not become general.

Mr. ALDRICH. I simply want to make a protest here against all similar statements made by the Senator from Iowa and other Senators unless they furnish some information on the subject.

Mr. RAYNER. Mr. President——

Mr. CUMMINS. The Senator from Iowa simply reiterated the statement made by the Senator from Kansas.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. BRISTOW. Mr. President——

Mr. ALDRICH. That statement might go around the circle indefinitely and be accepted by everybody. I would be glad to have somebody furnish some facts to base it upon.

Mr. BEVERIDGE. The Senator from Rhode Island says it is not true. So we have the issue.

Mr. CUMMINS. I yield to the Senator from Kansas.

Mr. BRISTOW. The Senator from Kansas desires to state that he will stand by what he read yesterday as a fact, regardless of the opinion of the Senator from Rhode Island.

Mr. ALDRICH. Will the Senator be willing to tell us what the tariff of Germany is?

Mr. BRISTOW. I am not discussing the tariff of Germany.

Mr. ALDRICH. That is one of the countries the Senator——

Mr. BRISTOW. I am discussing the tariff bill which the Finance Committee proposes the Senate shall pass. In the statement yesterday I said that the Dutch standard was not now used by Holland, and I recited 37 nations that did not use it. A number of the 37 have abandoned it that formerly used it, and some of them never used it.

Mr. BEVERIDGE. That is the issue.

Mr. ALDRICH. I ask the Senator now to tell us what the tariff of Germany is. That is one country the most conspicuous of all. I should like to test the Senator's information on

this subject by asking him to state to the Senate what the tariff of Germany is.

Mr. RAYNER. Mr. President——

The PRESIDING OFFICER (Mr. PAGE in the chair). Does the Senator from Iowa yield to the Senator from Maryland?

Mr. CUMMINS. I do.

Mr. RAYNER. Why does not the Senator from Rhode Island call in the Senator from Utah [Mr. SMOOT]? He can tell him. No one else appears to know.

Mr. CUMMINS. I see that the Senator from Kansas is still on his feet. If he desires to say anything further, I will yield to him.

Mr. SMITH of Michigan. I wish to interrogate the Senator from Kansas.

Mr. BRISTOW. I desire to say that in discussing this question I was discussing it from the standpoint of what it is desirable, in my judgment, to incorporate into the pending tariff bill. I am not very familiar with the tariff of Germany; I can not inform the Senator from Rhode Island as to its details; but he knows that the Dutch standard does not measure the purity of sugar in Germany.

Mr. ALDRICH. That was not the question, Mr. President.

Mr. BRISTOW. That is the question that is before this body that is being discussed.

Mr. ALDRICH. Oh, no; that is not the question at all. The question is what the tariff of these various countries is, what standard is used, and what test is used in the tariff of the various countries.

Mr. BACON. I should like to suggest, with the permission of the Senator from Iowa, that it is very unkind in the Senator from Rhode Island to keep us in suspense. He evidently has this important practical piece of knowledge so essential in the determination of this question; and he ought to inform us and not try to put Senators on the stand.

Mr. ALDRICH. I am more or less familiar with the tariffs of those countries, and my information is entirely different from what has been said here. So I wanted to find out, if I could——

Mr. BACON. We are burning with curiosity.

Mr. ALDRICH. In due time I hope the Senator will be gratified.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. I am not going to interrupt the Senator from Iowa except to ask the Senator from Kansas a question. He says that the Dutch standard is not now used in Holland. Is that correct?

Mr. BRISTOW. Yes, sir.

Mr. SMITH of Michigan. Does Holland import any duty sugar?

Mr. BRISTOW. I do not know.

Mr. SMITH of Michigan. That is very essential for you to know.

Mr. BRISTOW. I am not familiar with it.

Mr. SMITH of Michigan. If they do not import any duty sugar, they would have no use for the Dutch standard.

Mr. BRISTOW. The Senator from Michigan yesterday declared that the removal of the Dutch standard from the bill would precipitate financial chaos in the commercial world.

Mr. SMITH of Michigan. Oh, the Senator has been dreaming. I never mentioned such a thing as that. If his speech was in the RECORD this morning, he would not find any such utterance. The Senator says he has enumerated a number of countries that have abolished the Dutch standard color test on raw sugar. I would like to ask him now if he knows what countries in the world, outside of our own, impose a customs duty on sugar.

Mr. BRISTOW. There are a number.

Mr. SMITH of Michigan. How many?

Mr. CUMMINS. Mr. President, I decline to yield for this controversy. The Senator from Michigan will have all the time he desires; the Senator from Kansas will have all the time he desires; and it is not fair, as it seems to me, to interject a debate between these two eminent gentlemen in my speech.

Mr. SMITH of Michigan. I do not want to do that.

Mr. CUMMINS. Mr. President, it is a little difficult for me to keep the thread of my argument in view of the interruptions; but I was reaching this conclusion when last suspended, namely, that this Dutch standard of color can have no other effect except to make it necessary that all the sugar that comes here under duties shall be refined.

I am not asserting that if the principal object of my care was the American sugar refiner, I would not insist upon the retention of these words; but inasmuch as I have declared that the principal object of my solicitude, in so far as this tariff law is concerned, is the beet-sugar industry, I protest against an unnecessary standard that will inevitably turn into the American sugar refiner all the importations of sugar.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. I would be glad to know the force of the Senator's argument if I could. Does he mean to say that to protect beet sugar he would exclude the cane sugar from this country entirely?

Mr. CUMMINS. I have no doubt, Mr. President, that the Senator from Rhode Island will some time reach that point. A very high protectionist would reach that point; and you would exclude it, except from our own territory, which of course you could not control; but if you would apply the same rule to the sugar business that you apply to all other kinds of business you would put duty on cane sugar that would absolutely exclude it from the American soil and permit our beet-sugar producers to supply the whole market.

Mr. ALDRICH. Mr. President——

Mr. CUMMINS. That would be the policy of any protectionist if it were not that we have within our own territory cane-sugar-producing regions.

Mr. ALDRICH. I asked the Senator from Iowa a question about his own views, and he has taken up the time in stating what my views are, which I prefer to state myself. But I should like to put the question in another form.

Mr. CUMMINS. That is quite a common habit here.

Mr. ALDRICH. If the Senator does not want to answer the question in the form I put it, I will put it in another form. Does he think that the importation of cane sugar into the United States ought to be made easy or difficult for the protection of the beet-sugar producers of the country?

Mr. CUMMINS. The answer to that question is easy. It ought to be made difficult.

Mr. ALDRICH. Therefore the Senator proposes to reduce the duties upon cane sugar and——

Mr. CUMMINS. When have I proposed to reduce the duties on sugar? When?

Mr. ALDRICH. By striking down every duty which is imposed for the protection of the beet-sugar people.

Mr. CUMMINS. Ah! The Senator from Rhode Island does not exhibit his usual keenness of interpretation. I say that the striking of these words from this schedule will not disturb the duty upon raw sugar. On the contrary, if I had my way about it, I would favor a duty, whether it be 1.90 or 1.95 or 1.82½, upon refined sugar, enough to protect our growing industry, if you please, in the beet-sugar regions. Then I would put a duty upon all cane sugar imported according to its saccharine purity and leave no differential whatsoever for refining sugar in the United States. That would not reduce the duty on sugar.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. Does the Senator think that striking out the words "No. 16 Dutch standard" will encourage the importation of sugar into this country or discourage the importation?

Mr. CUMMINS. Mr. President, that depends entirely upon whether the American market will take unrefined sugar. We have now educated the taste of the people to a point that it refuses substantially unrefined sugar. If that taste should change, then the lighter sugars in color and higher in saccharine quality could come in, and be used at a lesser price than the refined sugar. I would rather—this is my position—put the beet-sugar producer against that kind of a competition than against the competition of the refined sugar at the hands of the sugar refiner.

Mr. ALDRICH. Is the Senator willing to admit that the duties on white sugar would be very materially reduced by striking out the words which he suggests should be stricken out?

Mr. CUMMINS. I would not be willing to so admit.

Mr. ALDRICH. What is the purpose, then, of striking out those words?

Mr. CUMMINS. There are two purposes: First, to allow the sugar lighter in color than No. 16 to come in and be used without refining and at whatever duty is required by the polariscopic test of sweetness or purity. That is the first effect it might have, and would depend entirely on whether the American market would take these light sugars at a less price, however, than the refined. The second result that would be accomplished by it would be to turn away—of course that is a cor-

ollary of the first—from the sugar refiner part of the sugar that he now buys and now puts through his process of refining.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. The Senator, I think, will admit that a No. 20 sugar or a No. 18 or a No. 19 sugar would pay, under the bill as it stands, $1.90 duty; and sugar testing 78, but still of No. 20 color, would pay about 1 cent a pound; in other words, the effect of this proposition would be to reduce upon that class of sugar, white in color, but testing very low by the polariscope, one-half. Does the Senator think that that reduction would be beneficial to the sugar industry of the United States?

Mr. CUMMINS. Mr. President, the Senator from Rhode Island has now stated the only possible purpose in the retention of these words, if you will disregard the interests of the sugar refiners, and I say that the tariff is not the place to protect the American people against adulterated food. There are other laws and other ways in which to protect us against frauds of that character that can be employed to much greater advantage than you can employ the duties in the tariff law.

Mr. ALDRICH. Mr. PRESIDENT——

The PRESIDING OFFICER. Does the Senator from Iowa again yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. The Senator's answer would be those sugars may not be adulterated. It is not a question of adulteration at all. It is a question of saccharine strength. The other components may be one thing or another. They are not necessarily deleterious at all. But is the Senator willing to admit the statement which I made that the effect of striking out this provision would be to let in sugars of the color of 20 or below—from 18 to 20—at less than half, or at about half, what the present law does?

Mr. CUMMINS. Mr. President, I am willing to admit that, physically, that is possible; that if you can, as I am told by some operation you can, bleach the molasses color of sugar, or whatever other coloring the crystals may have, you can bleach those—I call them "impurities," although that may not be the proper word—that sugar might come in upon the duty prescribed for its saccharine purity; but that sugar could not be sold to the American people for sugar. It does seem to me a little inaccurate to say that such sugar contains no impurities, because pure sugar, we will assume, tests 96 or 100; and whatever you have in that which reduces the saccharine test of purity of that sugar to 75 or 80 is an impurity.

Mr. ALDRICH. No.

Mr. CUMMINS. It is an impurity, so far as the sugar is concerned. It may not be deleterious. I rather agree with the Senator from Rhode Island upon that point. I can perceive that possibly there is some sugar which you could import—sugar of a lower quality, not injurious to health. I do not speak with authority upon that subject; but I do know that if that sugar were to be admitted, as it ought to be admitted, upon the saccharine test, there is a way in which we can protect the American people from such impure sugar without compelling all the raw sugars of the world, or those that we import, to pass into the hands of the sugar refiner.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. Yes.

Mr. ALDRICH. I should like to get, if I could, from the Senator from Iowa, who, as I understand, is speaking more or less as a friend of the beet-sugar producers of this country, an answer to my suggestion.

Mr. TILLMAN. Mr. President, we can not hear the Senator from Rhode Island.

Mr. ALDRICH. I said I should like to ask the Senator a question, if I could get an answer, because, as I understand, he is speaking more or less for the interests of the beet-sugar producers of the United States. Does the Senator believe that a provision of law which allowed white sugar, which could come into actual competition with the sugar produced by the beet-sugar manufacturers of the United States, to come in at half the present rate of duty, would be beneficial to the beet-sugar producers of the United States?

Mr. CUMMINS. Mr. President, that operation would not be beneficial to the beet-sugar producers of the United States, and my suggestion does not involve any such result.

Mr. ALDRICH. If the Senator will permit me, the striking out of those words involves that very act, and can be shown to be nothing else.

Mr. CUMMINS. Mr. President, at that point the Senator and myself disagree. I do not believe that there is any process that can be used that will whiten sugar so that it will be permanent, and so that it can be substituted for real sugar. I can not think for a moment that it is necessary, in order to guard the American people against that sort of fraud and that impurity of manufacture, if you please, that we shall maintain this artificial and, as I think, unscientific standard of measuring sugar. After all, it comes, even upon the confession of the Senator from Rhode Island, to the one end, that, in order to secure pure sugar for the American people, we must have all of the cane sugar pass through the hands of the American sugar refiner. That is the ultimate end of the observations made by the Senator from Rhode Island.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa again yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. The Senator is trying to shift the issue on to what he calls "adulterated sugar." There is no such thing as adulterated sugar. Seventy-eight-test sugar is not adulterated sugar. Eighty-three and 85-test sugars, which come into this country, are not adulterated sugars. They may contain substances which are not necessarily beneficial, but they are not substances which are deleterious. Up to within a very few years everybody in the United States—the Senator from Iowa, myself, and everybody—used brown sugars. There was no suggestion that they were deleterious. They were not adulterated sugars at all. That is not what I am talking about. They were natural sugars, produced by processes which did not eliminate all the substances, except the crystals of the sugars. I repeat they are not adulterated sugars. They would come into this country and would be sold to the consumers in this country in direct competition with the beet sugar. That is the fact; and you propose by this process, which I will not characterize at the moment, to absolutely destroy the benefits of a tariff to the beet-sugar producers of the United States.

Mr. CUMMINS. Mr. President, the variety of the human mind is so infinite that we can reach varying conclusions apparently from the same premises. Tested by the things which I believe I know and the things that have come to me from the study of this subject, the statement of the Senator from Rhode Island merely confirms what I am trying to prove. I know that light sugar could enter if this standard were stricken out. That is just what I want—some light sugars of high saccharine quality and light color test entering. I do not mean fraudulent sugars, which the Senator has in his mind, but which he disclaims are fraudulent. It is not quite accurate to say that an article that tests 75° by the polariscope is unadulterated sugar. It may not contain anything which is injurious to health, but it has in it a great deal that is not sugar, and which ought to be removed before the article becomes merchantable. But when you present to me a sugar 19 or 20 in color and of the 92 or 94 or 96 test, that sugar would come in at the rate that is established by the bill.

Mr. ALDRICH. Is the Senator willing to admit that those sugars would come into competition with the beet sugars produced in the United States?

Mr. CUMMINS. My answer to that is, inasmuch as the Senator combines the legal possibilities of admission at the custom-houses with the practical admission to our markets for our people, my answer is no; they would not come into competition, because no country would permit its people to be so defrauded and so deceived, and no dealer would dare to enter upon a business that would destroy his reputation within a single month. We have a standard of sugar in our country, and if a white sugar comes in and is sold by a dealer it must conform practically in its standard of sweetness to the sugar that comes from the refiner and from the beet-sugar manufacturer.

Mr. ALDRICH. Mr. President, take two other examples. Take Cuban centrifugal, which tests 96, and which can be made as white as granulated, and to-day, under the changes suggested by the Senator from Iowa, that would be 1.32 from Cuba as against 1.90, or a reduction of about fifty-eight one-hundredths. That would come into competition immediately with the beet-sugar product of the United States at every point. Does the Senator believe that that is a wise thing to do?

Mr. CUMMINS. No.

Mr. ALDRICH. That is the proposition.

Mr. CUMMINS. That would not happen either under the suggestion I have made——

Mr. ALDRICH. It will happen just as sure as one day follows another, and it can be shown beyond question that it will happen.

Mr. CUMMINS. Mr. President, it is utterly impossible to happen——

Mr. SMITH of Michigan. No.

Mr. CUMMINS. My friend the Senator from Michigan assures me that it will happen, and of course he has great support in the Senator from Rhode Island; but I say it would not happen.

Mr. ALDRICH. Why not?

Mr. CUMMINS. The reason it would not happen is that if you take this sugar schedule and attach a duty to the refined sugar, whether it be $1.95 or $1.90—I am not arguing as to the extent of the duty necessary to protect the American market in refined sugar, and you will bear me witness that I have not suggested the degree of duty necessary to accomplish that result—but when you have established the duty upon refined sugar and then levy an equivalent duty on all the sugar that is brought into our market, the Senator from Rhode Island knows that a sugar which tests 96° can not enter our market at a rate of duty of $1.32 if the refined 100° sugars pay $1.90 or $1.95.

Mr. ALDRICH. But, Mr. President, the Senator proposes to adhere strictly to the polariscopic test.

Mr. CUMMINS. I do.

Mr. ALDRICH. And 96 sugars would pay then, as they pay now, $1.32 from Cuba; and whether they were white or not would depend upon whether this provision in regard to the Dutch standard be maintained. If they were imported below No. 16, then there would be no active competition, if you please, between the 96° sugar and the beet sugar, but when you permit the sugar producers of Cuba to bring 96-test centrifugals into this country white, they immediately come into competition with the beet-sugar producers of the United States at every point in our country, and you permit those sugars to be brought in fifty-eight one-hundredths of a cent a pound less than they can be brought in under the proposition of the committee.

Mr. CUMMINS. Mr. President, the Senator from Rhode Island is carrying on his computation upon the basis of the bill that is presented. He has not apparently heard what I have suggested, and which forms the basis of all that I have said.

There are two things that I would do with this sugar schedule: First, strike out this standard of color, and, second, destroy entirely the differential which has been so frequently mentioned here as being necessary for the cane-sugar refiners. I will carry out the computation.

Suppose that 100° sugar—to give an illustration that will be more easily understood—bears a duty of $1.90; suppose we reduce—although I do not say that is the right figure, for I have yet to reach a conclusion upon that—but suppose we reduce the duty 3½ cents a hundred pounds on each reduction in degree as shown by the polariscope; then, when your Cuban sugar of 96 test comes in, it will come in under a duty of 14 cents less than the refined sugar. Fourteen cents a hundred pounds from $1.90 a hundred pounds is $1.76 a hundred pounds. That is what the Cuban sugar, to which the Senator has referred, would pay under the plan that I believe to be necessary for the protection and preservation of our own manufacturers; and that is the thing which will at least put the sugar refiner upon an even plane with the beet-sugar man. He will then have abundant opportunity in the sugars that come in without paying duty to reap all the reward that he is entitled to; but he will not be so prominent and will not be so dominant in the business as he is now. Some little part of his great profits will be withdrawn from him; and in just so far as you withdraw them, you give the beet-sugar man a chance to live.

Mr. ALDRICH. Will the Senator permit me to ask him one more question, and then I will not further disturb him?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I have about reached the end of my argument.

Mr. ALDRICH. I will ask the Senator just one more question.

Mr. CUMMINS. I will gladly answer it.

Mr. ALDRICH. Does the Senator think that the same rate of duty ought to be imposed upon 96-test sugars that are 16 in color and 96 sugars that are 20 in color?

Mr. CUMMINS. I do.

Mr. ALDRICH. That is the whole controversy.

Mr. CUMMINS. I do believe that the duty should be imposed, Mr. President, exactly as you impose the duty on lead ore—upon the lead—whether it is 20 per cent, or 30 per cent, or 50 per cent. You should impose a duty upon the sugar, not upon the impurities that may be in the sugar, and not upon the coloring of the sugar crystals.

Mr. ALDRICH. If the Senator will permit me, I will ask him one other question. Does the Senator think that No. 20 sugars, 96 test, would compete in this country with the products of the beet-sugar factories?

Mr. CUMMINS. In a way, Mr. President. As I have said many times, if the American taste should be so changed as to demand or consume the brown sugars or the unrefined sugars, then the unrefined sugars would compete with the products of the beet-sugar factories; but they would not so unfairly compete with the products of the beet-sugar factories as would that same sugar after it had passed through the hands of the cane-sugar refiner and had been put into competition or into opposition with him as exactly the same thing and at a price fixed absolutely by the American Sugar Refining Company——

Mr. ALDRICH. Is the Senator willing to admit that 96 sugars, 20 in color, under the suggested amendment, would pay fifty-eight one-hundredths of a cent less duty than they do under the present law?

Mr. CUMMINS. I have not computed it, and I do not know; but you will observe——

Mr. ALDRICH. I have computed it, and I do know.

Mr. CUMMINS. Then I would be very glad if the Senator would state it positively as a statement, rather than as a question.

Mr. ALDRICH. I state it as a fact.

Mr. CUMMINS. Very well; I accept that.

Mr. ROOT. Mr. President, I do not desire to interrupt the Senator in the course of his argument, but I should like to ask permission to present a paper——

The PRESIDING OFFICER. Does the Senator from Iowa yield for that purpose?

Mr. ROOT. I will say to the Senator from Iowa that I rose because I understood that he was about to conclude.

Mr. CUMMINS. I am.

Mr. ROOT. And I wish to present a paper.

Mr. DANIEL. Mr. President——

Mr. CUMMINS. I will be through in a few moments. I now yield to the Senator from Virginia [Mr. DANIEL], who desires to ask me a question.

Mr. DANIEL. Mr. President, as I am advised, sugars are whitened by refinement and also by bleaching, and the darker sugars which appear from Cuba are generally bleached. They appear to be white, and are so much like refined sugar that the eye will not distinguish them. The question is this: If you put the same tariff on both of these sugars, refined sugar and sugar above No. 16 Dutch standard, is not that Dutch-standard sugar bleached and not refined, and will it not result in bleached sugar passing on the market and being imposed upon the people as refined sugar with an underdegree of saccharine matter in it?

Mr. CUMMINS. Mr. President, the question propounded by the Senator from Virginia is exactly the question asked a few moments ago by the Senator from Rhode Island, and I answer it in the same way. Theoretically it would be possible to bring in bleached sugar of low polariscopic test; but practically and commercially it would not be possible, because our laws with respect to fair dealing in trade and the established practices and customs of the people would not permit a fraud of that character. Therefore, I am not at all terrified by any such suggestion as that, because that can be done now. The Louisiana cane-sugar refiner can adulterate his sugar and put it on the market if he wants to; but why does he not?

Mr. FOSTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Louisiana?

Mr. CUMMINS. Certainly.

Mr. FOSTER. Does the Senator mean to say that the Louisiana producers adulterate their sugar?

Mr. CUMMINS. I hope the Senator will not think I said that; but it is suggested here that we can not strike out this color test, because it will permit some person of fraudulent disposition to deceive those who are to use or eat sugar and to put upon the market a white sugar too low in the polariscopic test.

Now, I say that if that is practical, if that were found to be commercially possible, we have the sugar territory, in Louisiana and Porto Rico and Hawaii, and all of the sugar manufacturers or producers could resort to that way of deceiving the people if they wanted to. The fact that they have not done so and are not doing so is conclusive with me that it would not occur in those countries from which sugar is imported under duty.

Mr. FOSTER. Does the Senator understand that the question of adulteration is involved in this proposition at all? It is not a question of the adulteration of sugar; it is simply putting upon the market a low grade of sugar, the color of which has been improved, and selling that low grade of sugar in com-

petition with high-grade sugar. There is no question of adulteration.

Mr. CUMMINS. Mr. President, I will answer the Senator from Louisiana by asking him another question. That is quite a familiar way of answering questions here, I have discovered. I ask him, if it is profitable, why do not the planters in Louisiana, or the sugar men of Louisiana, put upon the American market a white sugar of low polariscopic test and sell it for the same price at which the American Sugar Refining Company sells its 100° or its 96° sugar?

Mr. FOSTER. Because it would be dishonest to do so.

Mr. CUMMINS. And so I believe that all the other sugar producers are honest; and therefore we need not guard ourselves against any such contingency.

Mr. FOSTER. Will the Senator yield to me again?

Mr. CUMMINS. Yes.

Mr. FOSTER. It is not a question of the adulteration of sugar.

Mr. CUMMINS. I understand that, Mr. President.

Mr. FOSTER. There is absolutely no such question; but under the operation of the pending bill, if it shall become a law, if the 16 Dutch standard is abolished, the foreign manufacturer of sugar can bring into this country a low-testing grade of sugar highly colored, pay the lowest duty upon it, and bring that sugar in competition with the higher grades of sugar; for instance, the principal imports of sugar into this country are from Cuba. This sugar comes in at about 95 or 96° paying, according to the polariscopic test, the duty imposed upon that character of sugar. Now, we in the State of Louisiana make a certain grade of sugar called "yellow clarified" or "white sugar." We make also the 96° test, which goes practically to the refiner; but the 98°, what is called the "yellow clarified"—the white sugar—goes very largely into the trade; and, as I have stated, the telegram I received the other day shows that this business is growing considerably in Louisiana.

Now, if you abolish that standard, you simply permit the Cuban to wash his sugar, give to it a high color, pay a low duty upon it, and put it upon the market in competition with our sugar, when his is an inferior sugar, and the reason he can sell it is simply through the deception practised upon the eye. The buyer of sugar by retail has no polariscope. He can not test the sugar that he is buying, and this washed sugar or this highly colored sugar from Cuba can come in competition with our sugar, which is a higher grade sugar, and the purchaser will not get a pure sugar. He will not get the best grade of sugar, but an inferior grade, and not know it, by reason of the color. If you abolish——

Mr. CUMMINS. I am sure the Senator does not intend to keep me standing while he makes a speech.

Mr. FOSTER. No.

Mr. CUMMINS. I am very glad to yield for any question.

Mr. FOSTER. That is all I was going to say.

Mr. CUMMINS. Now, what was the Senator's question?

Mr. FOSTER. I think the Senator asked me some question—what was the practice of the Louisiana sugar planters, or what might be their practice, in the matter of the adulteration of sugar. I beg pardon of the Senator if I took up his time.

Mr. CUMMINS. No; not at all. I made this last suggestion simply in order that I might keep my remarks connected, in accordance with my former observations. Now, I answer the Senator from Louisiana. He is afraid that if we allow white sugar—that is, artificially produced white sugar—to come in, of low polariscopic test, our merchants will sell it to our consumers, who have no polariscope, and that therefore they will buy a 75° sugar, believing that they are buying the 96° sugar. It would be just as profitable for the Louisiana planter to do that as it would be for the Cuban planter to do it.

The Louisiana planter is here without any duty. The Cuban planter pays a duty on his sugar according to the polariscopic test, no matter what color it may be. If it is above No. 16 Dutch standard, he pays the full duty, and he would make money, if at all, by palming off upon the people a sugar white in color but low in sweetness; and the Louisiana planter could do just the same thing if he wanted to do it. It is not fair to assume that the Cuban planter would do, in violation of the laws of morality and in violation of the customs of trade, what the Louisiana planter refuses to do, because he wants to obey the laws of honesty and fair dealing.

Mr. TILLMAN. In behalf of the consumers, of whom I am one, I want to protest against the proposition that we are such fools that when we go into a grocery store we will not be able to detect by the moisture whether or not there is any remnant of molasses left in the sugar, no matter what the color of it may be. Long ago, when the tariff was different, we bought a white C sugar, just as white as the sugar we now get, the loaf sugar, or cut sugar, or granulated sugar; but it was moist, and it would always harden in the barrel, so that you would have to take a pickax, almost, to dig it to pieces to get the sugar dish full; and I find that the American consumer will always protect himself against this fraud of which the Senator from Rhode Island and the Senator from Louisiana speak, and about which they are so solicitous. Our people are not all idiots.

Mr. CUMMINS. I think the Senator from South Carolina has really suggested the remedy which we ought to apply in such a case, and in every other case. We do not have to procure a guardian to accompany the American people all their lives, even if we do have to erect a support sometimes by which our manufacturers may be sustained.

Mr. President, I have now finished my remarks. I am perfectly aware that they have been disjointed and somewhat disconnected. They were properly arranged in my own mind before I began; but if any Senator can stand here and pursue any preconceived plan in submitting a question to the Senate, he will be more successful than I have seen any Senator in debate. But I have attempted to show, first, that the color standard proposed in this law ought to be eliminated, not only for the sake of the consumer, but in order properly to protect the beet-sugar producer; second, that the differential, which is said to be granted in order to sustain the cane-sugar refiners in the United States, should be annihilated, and we should allow all our sugars to come in upon a duty fixed, first, as to refined sugar, the 100° sugar, and then downward according to the saccharine contents of the sugar imported. In that way we can reduce the cane-sugar refiner to a fair profit, and we will stimulate and promote the welfare of the beet-sugar manufacturer.

Mr. SMITH of Michigan. Mr. President, in order to throw some light on the Dutch standard controversy, I am going to send to the desk and have read a letter from Mr. F. R. Hathaway, one of the prominent officers of the Michigan Sugar Company, representing the beet-sugar industry of my State, a man who has given more thought and study to this question than almost any other man I know. I hope the information he gives may be useful to the Senate.

The VICE-PRESIDENT. If there be no objection, the Secretary will read the letter.

Mr. SMITH of Michigan. I should like to have the attention of the Senator from Kansas [Mr. BRISTOW] to this letter, and I wish I might also have the attention of the Senator from Iowa [Mr. CUMMINS].

The VICE-PRESIDENT. The Secretary will read.

The Secretary read as follows:

WASHINGTON, D. C., *May 26, 1909.*

Hon. WILLIAM ALDEN SMITH,
United States Senate.

DEAR SIR: Sugar can be whitened either by bleaching or refining. You can bleach 93° sugar so that it will be as white as refined granulated sugar testing 100°. The consumer who buys such sugar gets 93 pounds of sweetness and pays for 100 pounds. Such sugar is a fraud on the consumer, who has no means of detecting the difference.

With the Dutch standard provision in the law 93° bleached sugar can not enter the United States under terms of this bill without paying a duty of $1.90 per 100 pounds. With the Dutch standard provision left out, it would only pay $1.58 per 100 pounds.

If the people want to buy brown sugar that has not been refined, they have 1,000,000 tons of such sugar absolutely duty free to draw from, the product of Hawaii, Porto Rico, and Louisiana.

Respectfully,

F. R. HATHAWAY.

Mr. ROOT. Mr. President, it is not my purpose to enter upon the discussion of this schedule; but there came to me yesterday three of my constituents from New York who are engaged in the refining of sugar, all of them known to me as men of high character and standing in the community in which they live. They made certain statements to me which I asked them to put in writing over their signatures; and in order that the Senate may not pass upon the question which is now before it under the impression that there are no genuine and bona fide refiners of sugar in the United States except the American Sugar Refining Company, I ask the Senate to permit the reading from the desk of this statement.

The VICE-PRESIDENT. If there be no objection, the Secretary will read.

The Secretary read as follows:

WASHINGTON, D. C., *May 26, 1909.*

The refining of cane sugar in the United States is done by the American Sugar Refining Company and the National Sugar Refining Company, and by the following independent refining companies:

Arbuckle Brothers, of New York.
The Federal Sugar Refining Company, of New York.
The Warner Sugar Refining Company, of New York.
The McCahan Sugar Refining Company, of Philadelphia.
Henderson's Sugar Refining Company, of New Orleans.
The Hawaiian Sugar Refining Company, of San Francisco.
The Revere Sugar Refining Company, of Boston.

The amount of sugar refined by the American Sugar Refining Company and the National Sugar Refining Company in the year 1908 was 66.85 per cent, say 1,679,286 tons.

The amount of sugar refined by the above-named independent companies in the year 1908 was 33.15 per cent, say 832,712 tons.

The undersigned J. F. Stillman is manager of the sugar business of Arbuckle Brothers. He states of his own knowledge that Arbuckle Brothers are entirely independent of the American Sugar Refining Company, and that that company has no interest whatever therein, and that there is no agreement whatever as to prices between the two.

The undersigned Pierre J. Smith is secretary of the Federal Sugar Refining Company. He states of his own knowledge that the Federal Sugar Refining Company is entirely independent of the American Sugar Refining Company, which has no interest whatever therein, and that there is no agreement whatever as to prices between the two.

The undersigned C. M. Warner is president of the Warner Sugar Refining Company. He states of his own knowledge that the Warner Sugar Refining Company is entirely independent of the American Sugar Refining Company, which has no interest whatever therein, and that there is no agreement whatever as to prices between the two.

The undersigned further state that as to the other independent companies they are familiar with the sugar business, and to the best of their knowledge the American Sugar Refining Company has no interest in them or any of them.

J. F. STILLMAN.
PIERRE J. SMITH.
C. M. WARNER.

Mr. OWEN. Mr. President, I have listened with interest to the Democratic Senators from Louisiana urging a tariff rate on sugar which will give "protection" to the sugar planters of Louisiana, Colorado, and other States, and the citations of the junior Senator from Louisiana, quoting Washington, Jefferson, Madison, Andrew Jackson, and various great Democrats down to Samuel J. Tilden, showing that they approved—incidental—protection under a revenue-producing tariff.

I have observed the vote of various Democratic Senators for a revenue duty, with its incidental protection, on lumber, iron, and so forth, and various Democratic speeches favoring a duty on articles produced in their several States, with rates which carried incidental protection to such industries.

It has been suggested in various ways that the action of these Senators was not Democratic. Mr. President, I do not agree with the suggestion that this is necessarily a just criticism of their action.

Mr. President, the first duty of a Democratic representative is to represent the will of the people who have sent him. He has no right, in my opinion, to disregard the well-known wishes of the great majority of the people of his State, and should resign if he can not represent them.

He has a right to believe, however, that when he is nominated and elected by the Democrats of his State he is elected by those who believe substantially in the teaching of Democracy. And I respectfully submit that these Senators have not violated the true canons of the Democracy when they vote for a tax on lumber, or on lead and zinc, or hides, or on pineapples, when they represent the wishes of the majority of the people of their States, provided always that the duty imposed is not prohibitive, does not prevent competition, and is laid at a point not in excess of a maximum revenue-producing point.

Article I of section 8 of the Constitution lays down the authority of Congress, which every Senator must construe on honor to the best of his judgment and according to the dictates of his conscience—

That the Congress shall have power to levy and collect taxes, duties, imposts, and excises to pay the debts and to provide for the common defense and general welfare of the United States.

When, under the color of raising the revenue for the common defense and general welfare of the United States, a duty is imposed having for its purpose to prevent importations and prevent a revenue being derived from such pretended revenue law, it is a transparent wrong, a violation of the spirit of the Constitution itself, and is not Democratic doctrine. Taxation can only have for its legitimate object the raising of money for public purposes and the proper needs of government economically administered, and the exaction of moneys from citizens for other purposes and to favor private interests at the expense of all the people is not a proper exercise of this power. No one has more strongly expressed than Cooley the distinction between a duty imposed for revenue under the constitutional authority and a duty imposed for the purpose of preventing imports, and thereby protecting some industry from competition. Cooley says:

It is only essential that the legislature keep within its proper sphere, and should not impose burdens under the name of taxation *which are not taxes in fact;* and its decision as to what is proper, just, and political must *then* be final and conclusive. (Con. Lim., 7th ed., p. 678.)

John Marshall said, in McCulloch *v.* Maryland (4 Wheat., 316):

The power of taxing the people and their property is essential to the very existence of government, and may be legitimately exercised on the objects to which it is applicable to the utmost extent to which the government may choose to carry it. The only security against the abuse of this power is found in the structure of the government itself. In imposing a tax the legislature acts upon its constituents. This is, in general, a sufficient security against erroneous and oppressive taxation. The people of a State, therefore, give to their government a right of taxing themselves and their property; and as the exigencies of the government can not be limited, they prescribe no limits to the exercise of this right, resting confidently on the interest of the legislator and *on the influence of the constituents over their representative to guard them against its abuse.*

And in the case of Providence *v.* Billings (4 Pet., 514) he said:

The power of legislation, and consequently of taxation, operates on all persons and property belonging to the body politic. This is an original principle, which has its foundation in society itself. It is granted by all for the benefit of all. It resides in the government as part of itself, and need not be reserved where property of any description, or the right to use it in any manner, is granted to individuals or corporate bodies. However absolute the right of an individual may be, it is still in the nature of that right that it must bear a portion of the public burdens, and that portion must be determined by the legislature. *This vital power may be abused;* but the interest, wisdom, and justice of the representative body and its relations with its *constituents furnish the only security* where there is no express contract against unjust and excessive taxation, as well as against unwise legislation generally.

With the consent of the Senate, I desire to insert in the RECORD an extract from Cooley and from the decisions of the Supreme Court upon this point.

The VICE-PRESIDENT. Without objection, consent is given.

The matter referred to is as follows:

THE PURPOSES OF TAXATION.

Constitutionally a tax can have no other basis than the raising of a revenue for public purposes, and whatever governmental exaction has not this basis is tyrannical and unlawful. A tax on imports, therefore, the purpose of which is, not to raise a revenue, *but to discourage and indirectly prohibit some particular import for the benefit of some home manufacture, may well be questioned as being merely colorable,* and *therefore not warranted by constitutional principles.* But if any income is derived from the levy, the fact that *incidental protection* is given to home industry *can be no objection to it,* for all taxes must be laid with some regard to their effect upon the prosperity of the people and the welfare of the country, and their validity can not be determined by the money returns. This rule has been applied when the levy produced no returns whatever; it being held not competent to assail the motives of Congress by showing that the levy was made, not for the purpose of revenue, but to annihilate the subject of the levy by imposing a burden which it could not bear. (Veazie Bank *v.* Fenno, 8 Wall., 533.) Practically, therefore, a law purporting to levy taxes, and not being on its face subject to objection, is unassailable, whatever may have been the real purpose. And perhaps even prohibitory duties may be defended as a regulation of commercial intercourse.

LEVIES FOR PRIVATE PURPOSES.

Where, however, a tax is avowedly laid for a private purpose, it is illegal and void. The following are illustrations of taxes for private purposes. A tax levied to aid private parties or corporations to establish themselves in business as manufacturers (Loan Association *v.* Topeka, 20 Wall., 655, 663; Allev *v.* Jay, 60 Me., 124); a tax, the proceeds of which are to be loaned out to individuals who have suffered from a great fire (Lowell *v.* Boston, 11 Mass., 454); a tax to supply with provisions and seed such farmers as have lost their crops (State *v.* Osawkee, 14 Kans., 418); a tax to build a dam, which, at discretion, is to be devoted to private purposes (Attorney-General *v.* Eau Claire, 37 Wis., 400); a tax to refund moneys to individuals, which they have paid to relieve themselves from an impending military draft (Tyson *v.* School Directors, 51 Penn., Sr., 9; Crowell *v.* Hopkinton, 45 N. H., 9; Usher *v.* Colchester, 33 Conn., 567; Freeland *v.* Hastings, 10 Allen (Mass.), 570; Miller *v.* Grandy, 13 Mich., 540); and so on. In any one of these cases the public may be incidentally benefited, but the incidental benefit is only such as the public might receive from the industry and enterprise of individuals in their own affairs, and will not support exactions under the name of taxation.

But, primarily, the determination what is a public purpose belongs to the legislature, and its action is subject to no review or restraint *so long as it is not manifestly colorable. All cases of doubt must be solved in favor of the validity of legislative action,* for the obvious reason that the question is legislative, and only becomes judicial when there is a plain excess of legislative authority. A court can only arrest the proceedings and declare a levy void when the absence of public interest in the purpose for which the funds are to be raised is so clear and palpable as to be perceptible to any mind at first blush. (Broadhead *v.* Milwaukee, 19 Wis., 624, 652; Cheaney *v.* Hooser, 9 B. Monr. (Ky.), 330, 345; Booth *v.* Woodbury, 32 Conn., 118, 128; Hammett *v.* Philadelphia, 65 Penn. St., 146; Tide Water Co. *v.* Coster, 18 N. J. Eq., 518.)

But sometimes the public purpose is clear, though the immediate benefit is private and individual. For example, the Government promises and pays bounties and pensions; but in every case the promise or payment is made on a consideration of some advantage or service given or rendered or to be given or rendered to the public, which is supposed to be an equivalent; and the law for the payment has in view only the public interest, and does not differ in principle or purpose from a law for the payment of salaries to public officers. The same is true where a State continues the payment of salaries to officers who have been superannuated in its service. The question whether they shall be paid is purely political and resolves itself into this: Whether the State will thereby probably secure better and more valuable service, and whether, therefore, it would be wise and politic for the State to give the seeming bounty.

Where a law for the levy of a tax shows on its face the purpose to collect money from the people and appropriate it to some private object, the execution of the law may be resisted by those of whom the exaction is made, and the courts, if appealed to, will enjoin collection or give remedy in damages if property is seized. But if a tax law on its face discloses no illegality, there can in general be no such remedy. Such is the case with the taxes levied under authority of Congress; they are levied without any specification of particular purposes to which the collections shall be devoted, and the fact that an intent exists to misapply some portion of the revenue produced can not be a ground of illegality in the tax itself. In cases arising in local government an intended misappropriation may sometimes be enjoined; but this could seldom or never happen in case of an intended or suspected misappropriation by a State or by the United States, neither of them being subject to the process of injunction. The remedies for such cases are therefore political and can only be administered through the elections. (Cooley's Principles of Constitutional Law, Chap. IV, p. 57, The Powers of Congress.)

The bills of rights in the American constitutions forbid that parties shall be deprived of property except by the law of the land; but if the prohibition had been omitted, a legislative enactment to pass one man's property over to another would, nevertheless, be void. (See Cooley's Con. Limitations, p. 208.)

Nor, where fundamental rights are declared by the Constitution, is it necessary at the same time to prohibit the legislature, in express terms, from taking them away. The declaration is itself a prohibition, and is inserted in the Constitution for the express purpose of operating as a restriction upon legislative power. (See Cooley's Con. Limitations, p. 209.)

Cooley also states on page 587, in speaking of the power of taxation, as follows: "Taxes are defined to be burdens or charges imposed by the legislative power upon persons or property, to raise money for public purposes."

Again, on page 598, he says: "Everything that may be done under the name of taxation is not necessarily a tax; and it may happen that an oppressive burden imposed by the Government, when it comes to be carefully scrutinized, will prove, instead of a tax, to be an unlawful confiscation of property, unwarranted by any principle of constitutional government. In the first place, taxation having for its only legitimate object the raising of money for public purposes and the proper needs of government, the exaction of moneys from the citizens for other purposes, is not a proper exercise of this power, and must therefore be unauthorized."

The Supreme Court of the United States, in the Topeka case, said:

"To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and *build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation.* This is not legislation; it is a decree under legislative forms." (20 Wallace, 664, in Loan Asso. *v.* Topeka.)

Mr. OWEN. Mr. Cooley, in Constitutional Limitations, points out with great force that a legislator has no constitutional right, under the color of imposing a duty by which to raise revenues, to pass a law which, in fact, has the purpose to prevent importation and the raising of revenue by such pretended duty, but which in reality has for its purpose *to build up private fortunes by preventing competition.*

The Democracy has declared in one of its planks in the platform of 1892 in favor of a tariff for "revenue only," which is only another way of saying that duties shall not be imposed for any other *purposes* than revenue; that they shall not be imposed for the purpose of excluding importations and giving monopoly to combinations in this country, against which the Democracy has continually protested since 1892; but this language can not justly be construed to mean a declaration against incidental protection. The fact that it was so unjustly construed led the Democrats to drop the word "only" in the platform of 1896. thus affirming the doctrine of the Democracy that incidental protection is entirely just when equitably distributed.

Every *tariff for revenue* and *for revenue only* carries with it an unavoidable "protection." This unavoidable protection is called "incidental protection"—that is, a protection incidental to the raising of revenues under a constitutional tariff.

To say, therefore, that it is undemocratic to demand the incidental benefits or incidental protection of a revenue-producing tariff to be equitably distributed is utterly unreasonable and absurd. The very essence of Democracy is *equality before the law* and *under the law*, and since every tariff for revenue carries an incidental protection, it is perfectly just and perfectly right to ask that its benefits be equitably distributed. I therefore have no fault to find with Democrats who, representing their own States, demand a tariff for revenue which shall give incidental protection to their own States.

I venture to say that the Democratic Senators from Louisiana would probably cease to represent that State if they ignored the wishes of the people of that State in laying a revenue-producing duty carrying incidental protection to the sugar planter.

I should myself vote for a lower duty on sugar and increase the competition with the American Sugar Refining Company, whose exactions I think too great. Indeed, I favor free lumber, paper and wood pulp, free iron, free coal, free wool, and free hides, and free raw materials as a general rule. But I shall not take issue with the Democratic Senators of Louisiana because they represent the will of the constituency which sent them *nor read them out of the party.* If the Senators from Louisiana advocated a duty so high as to exclude foreign sugar from our country, cutting off potential foreign competition and establishing a complete monopoly behind a tariff wall for the sugar planter, I should then say, that although they claimed to be Democrats and claimed to represent a Democratic State, they were not Democrats on this sugar schedule and that their State was not Democratic in regard to this schedule, but, notwithstanding that fact, I should even in that contingency *still be glad to see their cooperation in every other respect with the organized Democracy.*

Mr. President, I can not approve the view of those statesmen who lay down too hard and fast or dogmatic rule by which they approve or condemn a man who claims to be a Democrat, and would refuse political association to a man who believes with the Democracy in the body of the Democratic doctrine, but represents occasionally a local interest at variance with a national platform. No member of any great political party agrees in every particular with every other member of that party. There must be greater or less differences among six or eight millions of people as to what constitutes Democracy, and as to what constitutes Republicanism. As I understand the differences the Democratic doctrine insists on freedom of speech, freedom of the press, freedom of conscience, the equality of all citizens before the law, the greatest good to the greatest number, the faithful observance of constitutional limitations, and believes in as great a measure of decentralization as is consistent with the strict exercise of the national function, while the Republican party generally believes in the greatest exercise of the national function, unmindful or in willful disregard of the reserved rights of the States, although against this is recently appearing some respectable Republican reaction, and therefore the tendency of the Republican party is to give constantly increasing powers to the centralized government, while the Democratic party insists that the powers of government should be retained as near to the people as possible. The Democratic party would trust the people more; the Republican party would trust the convention leaders of the people more; the Republican party would exclude foreign competition, actual or potential, for the benefit of certain favored individuals and the enrichment of private persons and corporations, while the Democratic party would favor a tariff for revenue carrying incidental protection, but not to the extent of cutting down the revenue by being above the maximum revenue-producing point or cutting off foreign competition and so establishing monopoly.

Both parties declare themselves attached to purity of government, and both parties practice it just in degree as the judgment and the consciences of the local constituencies require.

The Democrats in 1892 denounced Republican protection as a fraud, a robbery of the great majority of the American people for the benefit of the few. It should be observed that it was not protection or incidental protection which was denounced as a fraud; it was "Republican protection" which was denounced as a fraud, as a robbery of the great majority of the American people for the benefit of the few. It was pointed out at the same time by this Democratic platform that this robbery of the great majority was due to monopolies built up as a natural consequence of the prohibitive taxes, which prevented free competition. There is an element of justice and wisdom in so drafting our revenue tariff as to afford incidental protection to American industries. And a tariff for revenue which imposes a duty upon articles of international trade high enough to produce a proper revenue will always be found high enough to protect American labor and the American manufacturer who desires of his fellow-citizens nothing more than a tariff rate which shall equal "the difference in the cost of production at home and abroad."

The Republican party pretends to stand for this, but in the Senate and House have utterly disregarded this rational standard, have ignored "the difference in the cost of production," which will not equal 20 per cent, and written a tariff averaging more than 100 per cent higher than would be required to equal "the difference in the cost of production at home and abroad." They have written a tariff to prevent legitimate competition, and in this manner promote monopoly and favor special persons and corporations at the expense of all the people.

It seems to me that the Democratic party contains within itself and should welcome and embrace all of those whose sympathies are, in the main, with the Democracy, and not impose too narrow or too dogmatic standards of Democracy, which will tend to disintegrate that great party of the people and make its future success impossible.

The first duty of a patriotic minority is to become a majority and write its principles into the laws.

The PRESIDING OFFICER (Mr. ROOT in the chair). The question is on agreeing to the amendment submitted by the Senator from Kansas [Mr. BRISTOW].

Mr. BRISTOW. Mr. President, there has been some discussion here this morning in regard to the Dutch standard, and I feel like I should say a word or two further on the subject.

I made the statement yesterday that there were very few of the commercial nations of the world that now use the Dutch standard. I read a list of 37 that did not use it. Some on that list did formerly use it and have since abandoned it. Quite a large number on that list never used it. It seems to me that that is all it is necessary to say in regard to that feature. The statement I made that 37 out of the 45 nations referred to did not use it is correct and will not be disputed by any Senator on this floor. I may read in this connection a brief extract from one of the works of David A. Wells. He says:

The classification of sugars on the basis of color for revenue purposes was at one time adopted by nearly all the great sugar-importing

countries—that is, the United States, Holland, Belgium, France, Norway, Sweden, and Denmark. Color was also the system used in Great Britain up to 1874, although she never made use of the Dutch standard. In nearly all these countries the Dutch standard has been abandoned.

Mr. President, in regard to the importation of raw sugar of low saccharine strength and bleaching it white so as to put it upon the American market as a refined sugar in competition with refined sugar, it is, in my judgment, a temporary subterfuge made to defeat this amendment. If it is practicable as a commercial proposition to import sugars that are dark, that will grade 75 or 80, according to the polariscope, and whiten them by a process here other than refining, why is it not done now? What is there to prevent any importer from importing raw sugar, grading, say, 75 test by the polariscope, and passing it through this process of whitening and putting it upon the market in competition with refined sugar? He would only pay the duty required by the polariscopic test. Then he could whiten it and make an enormous profit by becoming a competitor of the sugar trust and the sugar refiner. The truth is that such a process is not a practical commercial proposition, and everybody who has given any attention to the subject knows it.

What is there to prevent the planters of Hawaii from making that kind of white sugar and sending it here into the American market to sell? Nothing. The only purpose in defending the Dutch standard as it is now defended is to protect the American sugar refiners and to permit them to collect toll from the American people.

The statement made in the communication presented to the Senate by the Senator from New York [Mr. ROOT] is not denied. There are refineries in the United States that refine sugar other than those controlled by the American Sugar Refining Company. It has not been denied that the American Sugar Refining Company refines not to exceed 50 per cent of the refined sugar that is consumed in the United States, and that the remainder is refined by beet-sugar plants and independent refineries, and some small part imported. But there is no evidence that the American Sugar Refining Company has not the power to determine the cost of sugar to the consumer and the price which is paid to the producer. It is well known in the commercial world that the American Sugar Refining Company is as controlling a factor in sugar transactions as the United States Steel Corporation is in the steel business.

It is customary in this debate, whenever an effort is made to take from a great, dominating commercial institution a part of its power by an equitable adjustment of tariff duties, to appeal pleadingly for the independent, and in this case it is the independent refiner who will be crushed if the power of the great corporation is somewhat curtailed.

It is not my inclination to attack a great corporation because of any prejudice against wealth or financial success in the business world. But there are some fundamental requirements that are necessary for the welfare of the American public that should be given consideration here. The only purpose in maintaining the Dutch standard in this country is to prevent the foreign sugars that might be salable here from being offered to the American public at a fair price after having paid the duty they have to pay according to their saccharine strength. In preventing that, you reduce their color to a state that makes them unmarketable, except to the sugar trust, or the sugar refiners, who are dominated by the trust. If the process of making white sugar of low saccharine strength were practicable, it would be practiced in Louisiana to-day; it would be practiced in Porto Rico; it would be practiced in Hawaii; but it is not practiced in any of those countries, and it can not be learned from any scientific authority that can be obtained that the highly colored coarse sugar will not in time return to its original dark color, and even to a darker color.

So I want to appeal to the Senate not to be diverted by these arguments, which are not sound and which are made for the purpose of maintaining the present condition, which is onerous and burdensome to the American sugar producer as well as to the consuming public.

I ask for the yeas and nays on agreeing to my amendment.

The yeas and nays were ordered.

The Secretary proceeded to call the roll, and Mr. ALDRICH responded "nay."

Mr. BACON. I ask that the amendment be read.

The PRESIDING OFFICER. Without objection, the amendment will be read.

The SECRETARY. On page 72, line 23——

Mr. BACON. I should like to ask, as a matter of information, whether anyone has a right to object to the reading of the amendment?

The PRESIDING OFFICER. The Senator from Georgia is better informed than the Chair upon that question.

Mr. LODGE. Let us not debate it.

Mr. BACON. I protest against the habit which is growing up when a question is put that the Secretary is in haste to call the roll before anyone has had an opportunity to ask even that an amendment be read. In any question a Senator has a right to know what the vote is upon. It is the first right of a Senator or of any member of a deliberative body to know what the question is.

The PRESIDING OFFICER. There seemed to be no objection to reading the amendment, and the Chair directed it to be read. In the absence of objection, the Secretary will read the amendment.

Mr. BACON. I do not recognize the right of anybody——

The PRESIDING OFFICER. The roll call had commenced and one Senator had answered to his name.

Mr. BACON. One has a right to be informed at any stage of the question upon which he is called to vote.

Mr. LODGE. Let the amendment be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be read.

Mr. ALDRICH. I withdraw my vote, if that is necessary.

Mr. BACON. The Senator can do as he pleases, but I shall insist on my right, and I shall not waive it in any particular.

The SECRETARY. In paragraph 213, page 72, line 23, after the word "sugar," it is proposed to strike out the words "not above No. 16 Dutch standard in color," and, on page 73, lines 6 and 7, to strike out the words "and on sugar above No. 16 Dutch standard in color."

Mr. ALDRICH. The Senator from Kansas has proposed two amendments. I suggest that to save time the vote be taken on both together.

Mr. BRISTOW. No.

The PRESIDING OFFICER. The roll will be called on agreeing to the amendments of the Senator from Kansas.

Mr. BRISTOW. I should like to inquire if it is parliamentary to suggest the lack of a quorum before taking the vote. I do not think there is a quorum of the Senate here.

Mr. TILLMAN. A roll call will disclose the presence of a quorum.

Mr. NELSON. The Senator has the right to suggest the absence of a quorum at any time.

Mr. BRISTOW. I suggest the absence of a quorum.

Mr. LODGE. The roll call will develop a quorum.

Mr. BRISTOW. I would prefer to suggest the lack of a quorum, and then, after the quorum is here, to have the roll called on agreeing to the amendment, if that is parliamentary.

Mr. LODGE. The roll call has been ordered on the amendment.

The PRESIDING OFFICER. The Chair thinks that the only thing that can be done is to have the roll called on agreeing to the amendment. A roll call was ordered and had commenced, and while the roll call is proceeding the Chair does not see how it can do anything more than to direct the Secretary to proceed with the calling of the roll.

The question was taken by yeas and nays.

Mr. CLARK of Wyoming (after having voted in the negative). I wish to ask if the senior Senator from Missouri [Mr. STONE] has voted?

The PRESIDING OFFICER. The Senator from Missouri [Mr. STONE] has not voted.

Mr. CLARK of Wyoming. I have a pair with that Senator. As he has not voted, I desire to withdraw my vote.

Mr. OWEN. I should like to make a parliamentary inquiry with regard to the recording of pairs which have not been announced on the floor.

The PRESIDING OFFICER. The Chair has no knowledge regarding pairs. It is a matter entirely personal among Senators, and it is not one in which the Chair can interfere.

Mr. SMITH of Michigan (after having voted in the negative). I am paired with the Senator from Mississippi [Mr. MCLAURIN]. I voted under the impression that he was present, but as he is not present, I desire to withdraw my vote. If the Senator from Mississippi were present, I understand that he would vote "yea." I should vote "nay" if he were here.

The result was announced—yeas 36, nays 47, as follows:

YEAS—36.

Bacon	Crawford	Johnston, Ala.	Paynter
Bailey	Culberson	Jones	Rayner
Bankhead	Cummins	La Follette	Shively
Beveridge	Daniel	Martin	Simmons
Bristow	Dolliver	Money	Smith, Md.
Brown	Fletcher	Nelson	Smith, S. C.
Chamberlain	Frazier	Newlands	Taliaferro
Clapp	Gore	Overman	Taylor
Clay	Johnson, N. Dak.	Owen	Tillman

NAYS—47.

Aldrich	Crane	Gallinger	Penrose
Borah	Cullom	Gamble	Perkins
Bourne	Curtis	Guggenheim	Piles
Bradley	Depew	Hale	Root
Brandegee	Dick	Heyburn	Scott
Briggs	Dillingham	Kean	Smoot
Bulkeley	Dixon	Lodge	Stephenson
Burkett	du Pont	McCumber	Sutherland
Burnham	Elkins	McEnery	Warner
Burrows	Flint	Nixon	Warren
Burton	Foster	Oliver	Wetmore
Carter	Frye	Page	

NOT VOTING—8.

Clark, Wyo.	Davis	McLaurin	Smith, Mich.
Clarke, Ark.	Hughes	Richardson	Stone

So Mr. BRISTOW's amendment was rejected.

The PRESIDING OFFICER. The question now arises upon the second amendment offered by the Senator from Kansas [Mr. BRISTOW]. Without objection, the Secretary will read the amendment.

The SECRETARY. In paragraph 213, page 73, line 8, before the word "one-hundredths," strike out "ninety" and insert "eighty-two and one-half," so that if amended it will read: "1 cent and eighty-two and one-half one-hundredths of 1 cent per pound."

Mr. BAILEY. I thought the motion that had been voted on was to strike out certain words in line 23, page 72, and that the next motion would be to strike out, beginning with the word "and," in line 6, page 73.

Mr. BRISTOW. The amendment just voted upon was to strike out, on page 72, line 23, after the word "sugars," the words "not above No. 16 Dutch standard in color;" and also to strike out, on page 73, line 6, after the word "proportion," the words "and on sugar above No. 16 Dutch standard in color."

Mr. BAILEY. Do I understand that we voted on both those amendments at once?

Mr. ALDRICH. Yes.

Mr. BRISTOW. The one amendment involved the striking out of both clauses.

Mr. BAILEY. I was at lunch when the Senators were summoned to a vote. If I had known that that motion included both propositions, I would have insisted upon also striking out, in addition to the words which the motion of the Senator from Kansas included, the words immediately following and down to the word "molasses," in line 9. I do not think we would make much progress by simply striking out the words "Dutch standard in color" and then leaving the words "and on all sugar which has gone through a process of refining."

The way to eliminate the differential entirely from this bill is to strike out everything, beginning with the word "and," in line 6, down to and including the word "pound," in line 9, on page 73. That would destroy the differential, which is the protection to the sugar trust, as well as to all other sugar refiners. If, however, we had simply succeeded in striking out the words "Dutch standard in color" and still left that expression with respect to sugar which has gone through a process of refining, the sugar trust would then claim its differential upon the ground that its sugar had gone through a process of refining. The Senator's present motion now reducing the duty from 1.90 to 1.82½ cents is intended, of course, to eliminate the 7½ cents per hundred differential.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas [Mr. BRISTOW].

Mr. CUMMINS. Mr. President, I do not quite understand the matter as just expressed by the Senator from Texas [Mr. BAILEY]. There is a sense, of course, in which the words "through a process of refining" would apply to the process used by the sugar planter or the sugar factory in throwing off, through the centrifugal force, the particles of molasses attaching to the exterior of sugar crystals; but, as known to the trade, the process of refining does not include that purification, if you please, which is carried on by the southern sugar factory or planter. Therefore I think that the amendment as presented by the Senator from Kansas [Mr. BRISTOW] covers the whole subject. The pending amendment presented by the Senator from Kansas destroys the differential, but it destroys it by reducing the duty on refined sugar to 1.82½ cents instead of 1.90 cents.

I am just as earnestly in favor of protecting the beet-sugar manufacturer now as I was when I made my address this morning; but, while I am in favor of destroying the differential, I am not in favor of destroying it by reducing the duty on refined sugar. Therefore I shall not be able to vote for the amendment now proposed by the Senator from Kansas.

Mr. BACON. If the Senator from Iowa will yield to me for a moment, I wish to ask him for information in what way he would destroy the differential if it is not destroyed by the amendment proposed by the Senator from Kansas?

Mr. CUMMINS. If I were adjusting it, I would leave the duty on refined sugar at $1.90 and raise the duty on raw sugars up to that point, so that there would be no differential, measured by the different descending saccharine tests.

Mr. BAILEY. Mr. President, I was not mistaken in the view which I expressed a moment ago; and that view is perfectly understood by Senators who are interested in the beet-sugar industry. The motion submitted by the Senator from Kansas [Mr. BRISTOW] was intended to strip the sugar trust of its special protection; but by leaving the other words the beet-sugar factories would be undisturbed, and it is absolutely certain that as soon as you had stricken out the "Dutch standard in color" the American Sugar Refining Company and all other cane-sugar refiners would have brought themselves under the remaining language of the act. So, in my opinion, in trying to save the beet-sugar refiner and strike the American sugar trust, we would have missed the point at which we aimed.

I desire to incorporate this in the RECORD, because had I been on the floor instead of at lunch when the motion was about to be submitted, I would have sought to include the additional words which I have indicated.

Mr. President, responding to what the Senator from Iowa [Mr. CUMMINS] has said, I would agree to almost any method of eliminating the differential in favor of the sugar trust. My own view would be to allow the duty to rise under a polariscopic test, because that approaches as nearly to an ad valorem duty, increasing with the increasing value of the sugar, as it is possible for us to devise while applying a specific duty. If I could not strike off the sugar trust's differential, I would feel inclined to increase the duty on raw sugar, so as to absorb it; but as I can not do that, my only chance of depriving the sugar trust of its license to rob the American people is to vote for the pending amendment.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Kansas [Mr. BRISTOW].

Mr. ALDRICH. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. NIXON (when his name was called). I have a pair for the afternoon with the junior Senator from Arkansas [Mr. DAVIS]. If he were here, I should vote "nay."

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the Senator from Mississippi [Mr. MCLAURIN]. If he were present, I should vote "nay."

The result was announced—yeas 32, nays 53, as follows:

YEAS—32.

Bacon	Crawford	Martin	Shively
Bailey	Culberson	Money	Simmons
Bankhead	Daniel	Nelson	Smith, Md.
Beveridge	Fletcher	Newlands	Smith, S. C.
Bristow	Frazier	Overman	Stone
Chamberlain	Gore	Owen	Taliaferro
Clapp	Johnston, Ala.	Paynter	Taylor
Clay	La Follette	Rayner	Tillman

NAYS—53.

Aldrich	Crane	Gallinger	Penrose
Borah	Cullom	Gamble	Perkins
Bourne	Cummins	Guggenheim	Piles
Bradley	Curtis	Hale	Root
Brandegee	Depew	Heyburn	Scott
Briggs	Dick	Hughes	Smoot
Brown	Dillingham	Johnson, N. Dak.	Stephenson
Bulkeley	Dixon	Jones	Sutherland
Burkett	Dolliver	Kean	Warner
Burnham	du Pont	Lodge	Warren
Burrows	Elkins	McCumber	Wetmore
Burton	Flint	McEnery	
Carter	Foster	Oliver	
Clark, Wyo.	Frye	Page	

NOT VOTING—6.

Clarke, Ark.	McLaurin	Richardson	Smith, Mich.
Davis	Nixon		

So Mr. BRISTOW's amendment was rejected.

Mr. BAILEY. I offer the amendment which I send to the desk, to be inserted on page 73, after paragraph 213.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 73, after paragraph 213, it is proposed to insert:

Amendment intended to be proposed by Mr. BAILEY to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, viz: On page 73, after paragraph 213, insert the following:

That from and after the 1st day of January, 1910, there shall be assessed, levied, collected, and paid annually upon the gains, profits, and income received in the preceding calendar year by every citizen of the United States, whether residing at home or abroad, and by every person residing in the United States, though not a citizen thereof, a tax of 3 per cent on the amount so received over and above $5,000; and a like tax shall be assessed, levied, collected, and paid

annually upon the gains, profits, and income from all property owned and of every business, trade, or profession carried on in the United States by persons residing elsewhere.

Such gains, profits, and income shall include the interest received upon notes, bonds, and all other forms of indebtedness, except the obligations of the United States, States, counties, towns, districts, and municipalities; all amounts received as salary or compensation for services, except such as may have been received by state, county, town, district, or municipal officers; all profits realized within the year from the sale of real estate purchased within two years previous to the close of the year for which the income is estimated; the amount of all premiums on bonds, notes, or coupons; the amount received from the sale of merchandise, live stock, sugar, cotton, wool, butter, cheese, pork, beef, mutton, or other meats, hay, grain, vegetables, or other products; money and the value of all property acquired by gift, bequest, devise, or descent; and all other gains, profits, and income derived from any other kind of property, or from rents, dividends, interest, or from any profession, trade, business, employment, or vocation, carried on in the United States or elsewhere, or from any other source whatever: *Provided, however,* That it shall be proper to deduct from such gains, profits, and income all expenses actually incurred in conducting any business, occupation, or profession, including the amounts actually expended in the purchase or production of merchandise, live stock, and products of every kind; all interest, due or paid within the year on existing indebtedness, and all national, state, county, town, district, and municipal taxes, not including those assessed against local benefits; all loses actually sustained during the year, incurred in trade or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise; all debts ascertained to be worthless, and all losses within the year on sales of real estate purchased within two years previous to the year for which profits, gains, or income is estimated, but no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate; the amount received from any corporation, company, or association as dividends upon the stock of such corporation, company, or association if the tax of 3 per cent has been paid upon its net profits by said corporation, company, or association as required by this act: *Provided further,* That only one deduction of $5,000 shall be made from the aggregate income of all the members of any family composed of one or both parents and one or more minor children, or husband and wife, but guardians shall be allowed to make a deduction in favor of each and every ward, except where two or more wards are comprised in one family and have joint property interests, when the aggregate deduction in their favor shall not exceed $5,000.

There shall be assessed, levied, and collected, and paid, except as herein otherwise provided, a tax of 3 per cent annually on the net gains, profits, and income, over and above $5,000, of all banks, banking institutions, trust companies, saving institutions, fire, marine, life, and other insurance companies, railroad, canal, turnpike, canal navigation, slack water, telephone, telegraph, express, electric light, gas, water, street railway companies, and all other corporations, companies, or associations doing business for profit in the United States, no matter how created and organized, but not including partnerships.

The net gains, profits, and income of all corporations, companies, or associations shall include the amounts paid to shareholders, or carried to the account of any fund, or used for construction, enlargement of plant, or any other expenditure or investment paid from the net annual profits made or acquired by said corporations, companies, or associations. But nothing herein contained shall apply to States, counties, or municipalities; nor to corporations, companies, or associations organized and conducted solely for charitable, religious, or educational purposes, including fraternal beneficiary societies, orders, or associations operating upon the lodge system and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations and dependents of such members; nor to the stocks, shares, funds, or securities held by any fiduciary or trustee for charitable, religious, or educational purposes; nor to building and loan associations or companies which make loans only to their shareholders; nor to such savings banks, savings institutions, or societies as shall, first, have no stockholders or members except depositors and no capital except deposits; secondly, shall not receive deposits to an aggregate amount, in any one year, of more than $1,000 from the same depositor; thirdly, shall not allow an accumulation or total of deposits, by any one depositor, exceeding $10,000; fourthly, shall actually divide and distribute to its depositors, ratably to deposits, all the earnings over the necessary and proper expenses of such bank, institution, or society, except such as shall be applied to surplus; fifthly, shall not possess, in any form, a surplus fund exceeding 10 per cent of its aggregate deposits; nor to such savings banks, savings institutions, or societies composed of members who do not participate in the profits thereof and which pay interest or dividends only to their depositors; nor to that part of the business of any savings bank, institution, or other similar association having a capital stock, that is conducted on the mutual plan solely for the benefit of its depositors on such plan, and which shall keep its accounts of its business conducted on such mutual plan separate and apart from its other accounts. Nor to any insurance company or association which conducts all its business solely upon the mutual plan, and only for the benefit of its policy holders or members, and having no capital stock and no stock or share holders, and holding all its property in trust and in reserve for its policy holders or members; nor to that part of the business of any insurance company having a capital stock and stock and share holders, which is conducted on the mutual plan, separate from its stock plan of insurance, and solely for the benefit of the policy holders and members insured on said mutual plan, and holding all the property belonging to and derived from said mutual part of its business in trust and reserve for the benefit of its policy holders and members insured on said mutual plan. All state, county, municipal, and town taxes paid by corporations, companies, or associations, shall be included in the operating and business expenses of such corporations, companies, or associations.

It shall be the duty of all persons of lawful age having an income of more than $5,000 for the preceding year, computed on the basis herein prescribed, to make and render a list or return, on or before the second Monday in March, of every year, in such form and manner as may be directed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to the collector or a deputy collector of the district in which they reside, of the amount of their gains, profits, and income, as aforesaid; and all guardians and trustees, executors, administrators, agents, receivers, and all persons or corporations acting in any fiduciary capacity, shall make and render a list or return, as aforesaid, to the collector or a deputy collector of the district in which such person or corporation acting in a fiduciary capacity resides or does business, of the amount of gains, profits, and income of any minor or person for whom they act, but persons having less than $5,000 income are not required to make such report; and the collector or deputy collector shall require every list or return to be verified by the oath or affirmation of the party rendering it, and may increase the amount of any list or return if he has reason to believe that the same is understated; and in case any such person having a taxable income shall neglect or refuse to make and render such list or return, or shall render a willfully false or fraudulent list or return, it shall be the duty of the collector or deputy collector to make such list according to the best information he can obtain, by the examination of such person or any other evidence, and to add 50 per cent as a penalty to the amount of the tax due on such list in all cases of willful neglect or refusal to make and render a list or return; and in all cases of a willfully false or fraudulent list or return having been rendered to add 100 per cent as a penalty to the amount of tax ascertained to be due, the tax and the additions thereto as a penalty to be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a list or return, or of rendering a false or fraudulent return: *Provided,* That any person or corporation, in his, her, or its own behalf or as such fiduciary, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, that he, she, or his or her or its ward or beneficiary was not possessed of an income of $5,000 liable to be assessed according to the provisions of this act; or may declare that he, she, or it, or his, her, or its ward or beneficiary has been assessed and has paid an income tax elsewhere in the same year, under authority of the United States, upon all his, her, or its gains, profits, and income, and upon all the gains, profits, and income for which he, she, or it is liable as such fiduciary, as prescribed by law; and if the collector or deputy collector shall be satisfied of the truth of the declaration, such person or corporation shall thereupon be exempt from income tax in the said district for that year; or if the list or return of any person or corporation, company, or association shall have been increased by the collector or deputy collector, such person or corporation, company, or association may be permitted to prove the amount of gains, profits, and income liable to be assessed; but such proof shall not be considered as conclusive of the facts, and no deductions claimed in such cases shall be made or allowed until approved by the collector or deputy collector. Any person or company, corporation, or association dissatisfied with the decision of the deputy collector in such cases may appeal to the collector of the district, and his decision thereon, unless reversed by the Commissioner of Internal Revenue, shall be final. If dissatisfied with the decision of the collector, such person or corporation, company, or association may submit the case, with all the papers, to the Commissioner of Internal Revenue for his decision, and may furnish the testimony of witnesses to prove any revelant facts, having served notice to that effect upon the Commissioner of Internal Revenue, as herein prescribed. Such notice shall state the time and place at which, and the officer before whom, the testimony will be taken; the name, age, residence, and business of the proposed witness, with the questions to be propounded to the witness, or a brief statement of the substance of the testimony he is expected to give: *Provided,* That the Government may at the same time and place take testimony upon like notice to rebut the testimony of the witnesses examined by the person taxed. The notice shall be delivered or mailed to the Commissioner of Internal Revenue fifteen days previous to the day fixed for taking the testimony, in which to give, should he so desire, instructions as to the cross-examination of the proposed witness. Whenever practicable, the affidavit or deposition shall be taken before a collector or deputy collector of internal revenue, in which case reasonable notice shall be given to the collector or deputy collector of the time fixed for taking the deposition or affidavit: *Provided further,* That no penalty shall be assessed upon any person or corporation, company, or association for such neglect or refusal or for making or rendering a willfully false or fraudulent return, except after reasonable notice of the time and place of hearing, to be prescribed by the Commissioner of Internal Revenue, so as to give the person charged an opportunity to be heard.

Every corporation, company, or association doing business for profit in the United States shall make and render to the collector of the collection district in which it has its principal office, or if it has no principal office then in which it is transacting business, on or before the second Monday in March in every year, a full return, verified by oath or affirmation, in such form as the Commissioner of Internal Revenue may prescribe, of all the following matters for the whole calendar year next preceding the date of such return:

First. The gross profits of such corporation, company, or association, from all kinds of business of every name and nature.

Second. The expenses of such corporation, company, or association, exclusive of interest, annuities, and dividends.

Third. The amount paid on account of interest, annuities, and dividends, stated separately.

Fourth. The amount paid in salaries, with a list of all officers, employees, and persons receiving more than $5,000 per annum, stating the name and address of such officers, employees, and persons.

Fifth. The net profits of such corporation, company, or association, without allowance for interest, annuities, or dividends.

And any corporation, company, or association failing to comply with the requirements of this section shall forfeit as a penalty the sum of $1,000 and 2 per cent of the amount of taxes due, for each month until the same is paid, the payment of said penalty to be enforced as provided in other cases of neglect and refusal to make return of taxes under the internal-revenue laws.

The taxes herein provided for shall be assessed by the Commissioner of Internal Revenue and collected and paid upon the gains, profits, and income for the year ending the 31st of December next preceding the time for levying, collecting, and paying said tax; shall be due and payable on or before the 1st day of July in each year; and to any sum or sums annually due and unpaid after the 1st day of July as aforesaid, and for ten days after notice and demand thereof by the collector, there shall be added the sum of 5 per cent on the amount of taxes unpaid, and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due, as a penalty, except from the estates of deceased, insane, or insolvent persons.

Any nonresident may receive the benefit of the exemptions hereinbefore provided for by filing with the deputy collector of any district a true list of all his property and sources of income in the United States and complying with the provisions of section —— of this act as if a resident. In computing income he shall include all income from every source, but unless he be a citizen of the United States he shall only pay on that part of the income which is derived from any source in the United States. In case such nonresident fails to file such statement,

the collector of each district shall collect the tax on the income derived from property situated in his district subject to income tax, making no allowance for exemptions, and all property belonging to such nonresident shall be liable to distraint for tax: *Provided*, That nonresident corporations shall be subject to the same laws as to tax as resident corporations, and the collection of the tax shall be made in the same manner as provided for collection of taxes against nonresident persons.

It shall be the duty of every collector of internal revenue, to whom any payment of any taxes is made under the provisions of this act, to give to the person making such payment a full written or printed receipt, expressing the amount paid and the particular account for which such payment was made; and whenever such payment is made such collector shall, if required, give a separate receipt for each tax paid by any debtor, on account of payments made to or to be made by him to separate creditors in such form that such debtor can conveniently produce the same separately to his several creditors in satisfaction of their respective demands to the amounts specified in such receipts; and such receipts shall be sufficient evidence in favor of such debtor to justify him in withholding the amount therein expressed from his next payment to his creditor; but such creditor may, upon giving to his debtor a full written receipt, acknowledging the payment to him of whatever sum may be actually paid, and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt.

Sections 3167, 3172, 3173, and 3176 of the Revised Statutes of the United States as amended are hereby amended so as to read as follows:

"SEC. 3167. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return by any person or corporation, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof, to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law, any income return or any part thereof or the amount or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

"SEC. 3172. Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal-revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

"SEC. 3173. It shall be the duty of any person, partnership, firm, association, or corporation made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, in case of a special tax, on or before the 31st day of July in each year, in case of income tax on or before the 1st Monday of March in each year, and in other cases before the day on which the taxes accrue, to make a list or return, verified by oath or affirmation, to the collector or a deputy collector of the district where located, of the articles or objects, including the amount of annual income, charged with a duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles, and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case no annual list or return has been rendered by such person to the collector or deputy collector as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post-office a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law, within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person on being notified or required as aforesaid shall refuse or neglect to render such list or return within the time required as aforesaid or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent, or contains any undervaluation or understatement, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State, he may enter any collection district where such person may be found, and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

"SEC. 3176. When any person, corporation, company, or association refuses or neglects to render any return or list required by law, or renders a false or fraudulent return or list, the collector or any deputy collector shall make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the income, property, and objects liable to tax owned or possessed or under the care or management of such person, or corporation, company, or association; and the Commissioner of Internal Revenue shall assess all taxes not paid by stamps, including the amount, if any, due for special tax, income or other tax, and in case of any return of a false or fraudulent list or valuation intentionally he shall add 100 per cent to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add 50 per cent to such tax. In case of neglect occasioned by sickness or absence as aforesaid the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall be collected at the same time and in the same manner as the tax unless the neglect or falsity is discovered after the tax has been paid, in which case the amount so added shall be collected in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held prima facie good and sufficient for all legal purposes."

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Texas.

Mr. ALDRICH. I move that the consideration of the amendment be postponed until the 10th day of June.

The VICE-PRESIDENT. The Senator from Rhode Island moves that the consideration of the amendment be postponed until the 10th day of June.

Mr. BAILEY obtained the floor.

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Kansas?

Mr. BAILEY. I yield.

Mr. BRISTOW. I have another amendment to the sugar schedule, which relates to the duty on sugar. If it could be considered before we go into the discussion of the amendment offered by the Senator from Texas, without the Senator from Texas forfeiting any right he would otherwise have, I would appreciate it.

Mr. BAILEY. I am entirely willing to yield to the Senator from Kansas for that purpose, with the understanding that the pending amendment——

Mr. ALDRICH. I object to that. We might as well dispose of this matter now.

The VICE-PRESIDENT. Objection is made. The amendment of the Senator from Kansas can only now be offered by the Senator from Texas first withdrawing his amendment or by unanimous consent.

Mr. BAILEY. Mr. President, the "Senator from Texas" will not withdraw the amendment, because the "Senator from Texas" fears that the Senator from Rhode Island might have other matters to occupy the attention of the Senate.

Mr. President, this is one of the rare instances in the history of legislation where the chairman of a great committee in charge of a great measure is not willing to facilitate a vote on one of the most important amendments offered to it. The Senator from Rhode Island has from time to time exhibited some degree of impatience at the delay in the progress of his measure; and yet, impatient because he can not reach a vote on the final passage of the bill, he refuses to consent to the disposition of the most important amendment that has been or will be offered to it—the most important both because of the principle involved and by reason of the revenue which would be collected under it.

The Senator from Rhode Island will find it somewhat difficult to persuade the country that he is sincerely anxious for an early vote upon his bill itself, while he seeks to delay a vote on the principal amendment. His present motion fixes the consideration of this amendment beyond the time which, only two days ago, he asked for a final vote upon the passage of his bill. I think the RECORD will disclose that even within the last week the Senator from Rhode Island preferred the request that the final vote on the passage of the pending bill and all amendments should be set down for the 5th of June; and yet to-day he moves to postpone this amendment until the 10th of June. Surely the Senator from Rhode Island can not wonder if I doubt his thorough and perfect sincerity in heretofore asking for such an early vote upon the bill itself.

Instead, Mr. President, of postponing this amendment until practically every schedule has been disposed of, the natural, orderly, and proper sequence would have been to have disposed of it before proceeding to the consideration of the various schedules. I say that for this reason—and when I state it the force of it will be obvious to every Senator—the committee in the beginning of its task was, of course, required first to ascertain the amount of revenue which it was needful to provide by this bill, and, accordingly, with that amount of revenue constantly in their minds, all of these duties were adjusted. Now, sir, if, instead of requiring the tariff duties to raise $320,000,000, the Senate had adopted an income tax which would provide $80,000,000, there would be but 75 per cent of what they now

intend to raise necessary to be collected from customs duties, and therefore every rate in this tariff bill would have been adjusted—and they would have been compelled by the necessities of their situation to adjust every rate in this tariff bill—with a view to the collection of this $80,000,000 from an income tax; and yet, strange to say, the Senator from Rhode Island and his associates on the committee insist that they shall be permitted to go through with this bill, which they constantly avow will raise enough revenue without any additions or amendments, until they have perfected it, and then they will be permitted to stand up here and say that it raises all the revenue which the Government needs, and therefore this amendment would simply impose unnecessary taxation.

Now, what I want to do, and what I believe the country has a right to demand that the Senate shall do, is, first, to determine whether or not an income tax shall be levied; and if that question shall be determined in the affirmative, then every other rate and schedule in the act must be dealt with accordingly; while on the other hand, if the Senate, by deliberate action, shall reject this income-tax amendment, then it can address itself to these schedules with the single purpose of so framing them that they will raise the necessary $320,000,000.

I appeal to our friends on that side who are sometimes described as "progressive Republicans," and who have been striving from the beginning to reduce what they themselves denounce as the exorbitant rates of this bill, and I ask them if they are willing to wait until the Finance Committee have finished their work, arranged their rates, perfected their schedules, and are thus able to say that an income tax is wholly unnecessary?

If you progressive Republicans are in earnest—and I believe you are—then let us here and now take the judgment of the Senate. Let us here and now determine if we intend to raise any important amount of revenue outside of these tariff duties; and if we so decide, then the chairman of the Finance Committee, with all his skill in the management of this measure and with all his power among his political associates, will find it impossible to resist a reasonable reduction in its rates. The chairman of the committee now says that the bill as he has reported it will raise enough money. Then, certainly, if we add an amendment which of itself will yield some $80,000,000, the chairman of the committee must agree to reduce the collections under the customs provision of the law. It will not do for him to answer and say that if he reduces the rate he will increase the revenue and thus aggravate the situation, because we answer that statement by saying that if we can not reduce the duty on all things, which I think we can, and thus remit to the consumer of every article a proportion of the burden which he bears to-day, we can at least transfer some of the common necessities of life to the free list, and we can afford a much needed relief in that manner. But whether it shall be by transferring particular and necessary articles to the free list or whether it shall be by a general reduction running through every schedule, the obvious and sensible thing for the Senate to do is to decide whether it intends to collect this $80,000,000 from an income tax and then adjust all schedules to that decision.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Will the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. I do.

Mr. CLAPP. Realizing and appreciating the force of what the Senator says, if this proposed income tax was, without any question, to be taken as a matter of course as to its validity, I do concede the force of the argument that it ought to be disposed of before we attempt to fix the schedules with reference to the customs revenue. I shall vote against the motion, because I shall vote against any motion to fix any time or place any limitation upon our right to vote here. But I want to ask the Senator if he thinks it would be wise to adopt this amendment, and then—no matter how thoroughly he and I and others are convinced of the validity of it—still risk a revenue measure based upon the absolute elimination of any question as to the validity of this amendment? I think that is a matter which should commend itself to our very serious consideration.

Mr. BAILEY. I thoroughly agree with the Senator from Minnesota. If Congress was not required by the Constitution to convene every year, and if, as a matter of fact and under the law as it now stands, Congress would not convene within the next eight months, I should hesitate about passing any law that might leave the Government without the means to promptly meet its current expenses. But in view of the fact that Congress must convene the first of December, and in view of the fact that Congress is apt to be in session when the final decision in this case is rendered, if it shall be taken to the courts, and will thus be able to supply any deficiencies between the revenue and expenditures immediately and without embarrassment to any department of the Government, I have no hesitation in voting to put the amendment on this bill. If Congress, like some of the state legislatures, only met in biennial session, I would even go so far as to insert in this bill an authority that the bill will probably carry, even if this amendment is rejected, to borrow money to meet unexpected deficiencies.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Montana?

Mr. BAILEY. I do.

Mr. CARTER. I ask the Senator this question, for the purpose of ascertaining whether or not I correctly understand his position: Do I understand the Senator to mean that he would raise by customs duty only such an amount as equaled the deficiency in the revenue raised by an income tax?

Mr. BAILEY. The Senator states it differently, I think, from what he intends to state it. If he means to ask me if I would deduct from customs duties the amount to be collected through the income tax, I answer "yes."

Mr. CARTER. Then I will put my question in a different form. The Senator, according to my understanding, would first pass an income tax, and rely upon customs duties to raise such revenue as the income tax did not raise to meet public necessities. The amount of the revenue duties would therefore be dependent upon the proceeds of the income tax, instead of having the proceeds of the income tax rest on deficiencies arising from the failure of the customs dues to meet the needs of the Government. Do I correctly understand the Senator?

Mr. BAILEY. The Senator undoubtedly understands me, and has stated my position correctly. I do not propose the income tax as a mere means of providing for an emergency. I propose it as a deliberate, fixed, and permanent part of our fiscal policy.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator yield further?

Mr. BAILEY. I do.

Mr. CARTER. I understand, then, that the Senator would depart from the policy which has prevailed from the beginning, of resorting to an income tax as an emergency measure, and would now and hereafter rely upon an income tax as a main basis of revenue.

Mr. BAILEY. Not as a main basis.

Mr. CARTER. As one of the chief sources of revenue, relying upon customs dues as only an incidental source to make up deficiencies.

Mr. BAILEY. Mr. President, that does not precisely state my position. I recognize, as I stated here, that we will collect three times as much from the custom-houses as we hope to collect through this income tax; but it is not an experiment for us to fix the rates of a tariff bill, with a view to other sources of governmental income. For instance, how did the Senator from Rhode Island [Mr. ALDRICH] and his associates determine the amount of revenue which they were required to raise by this bill? They first considered the expenses of the Government; they then took the collections from all other sources, including the Post-Office Department and the collections from internal revenue; and subtracting them from the total expenses of the Government, they ascertained the amount which they were required to raise through customs taxation. With the amount which they were required to raise thus fixed, they proceeded to levy their duties accordingly. And I have no doubt in this world that it would be just as sensible for us to decide this income-tax question and lay it aside, if we adopt it, as so much revenue for which the tariff act need not provide as it was for the committee to take under consideration and into account every other source of revenue now enjoyed by the Government before they began to fix their duties.

Every rate in this bill—I will not say every rate, either, because some of them are designedly and purely protective and prohibitory, but I will say that every schedule in this bill—is drawn, even by the extreme protectionists, with a view to the revenue which must be collected through the customs. In other words, there are probably duties here that would be higher than they are except for the necessities of the Government. The Senator from Rhode Island and the most ultra of the protectionist Senators in this Chamber can not escape, and do not attempt to escape, the fact that a tariff bill must be drawn so as to produce a given amount of money.

Now, in drawing that tariff bill to raise that given amount of money, undoubtedly they distribute the rates purely with a view of protection; and it is possibly true that if the Government needed no money at all, the extreme school of protection would still levy tariff duties for the purpose of protecting our home industries against foreign competition; but while they

are animated by this purely and essentially protective purpose, they can not escape, and do not attempt to escape, the necessity for raising revenue. Therefore, according to their own proceeding, they ought to take this $80,000,000 into account, if it is to be collected, and lay it aside, just as they laid the collections under the internal-revenue law aside, just as they laid the post-office receipts aside, and calculate, with this added to the other present and permanent sources of revenue, what the deficiency would be, and raise that deficiency through the custom-houses.

Mr. President, I am not inclined, upon the motion to postpone, to occupy the time of the Senate in discussing the merits of the question. I shall perhaps find some other occasion for that, and I am content to have stated, as they appear to me, the reasons why the motion to postpone ought not to prevail.

I took the Senate into my confidence a few days ago and explained to it my great anxiety for a vote. I am no novice here. I know how bills are passed and how amendments are rejected. I know the arguments and the persuasion at the command of a majority, and I know the outside influences which from time to time have been employed to insure the defeat of this income-tax amendment. I am perfectly sure that the quicker we vote on it the more votes it will receive, and I make no concealment of that fact.

Mr. President, before I resume my seat, I believe I will call attention to an article which was printed last Sunday, I believe, in the New York Times. The Senate will recall that something like a week or ten days ago I stated that I believed there had been a deliberate and systematic effort made to misrepresent the attitude of Democratic Senators with respect to the tariff schedules. I then confined my statement to tariff rates. But last Sunday my attention was called to an article which goes much further than a mere effort to exaggerate our differences and misrepresent our attitude. I find, in the New York Times of Sunday, under a Washington date line, a statement that the income-tax amendment was introduced for the purpose of aiding the Senator from Rhode Island. I want to read the matter, and then I wish briefly to comment on it. Referring to the Democrats of the Senate, this article proceeds:

> They are headed by that distinguished son of Texas, JOSEPH WELDON BAILEY. Again and again BAILEY has taken a position on one fight or another in the Senate that has played directly into ALDRICH'S hand. His action on the income-tax amendments, now pending, is the latest demonstration of his willingness to help his Rhode Island leader out of a difficult situation. He has maneuvered so as to divide the adherents of the income-tax proposition while apparently favoring it, and himself introducing an amendment providing for such a tax. The result, despite the efforts of the real friends of an income tax to effect a compromise, will no doubt be to defeat the proposition which ALDRICH has been vigorously opposing.

Of course the man who wrote that is an infamous liar, and I am not therefore at all surprised that he wrote this particular lie. I am, however, very greatly surprised that a paper like the New York Times could be induced to print it, because it is a challenge to the intelligence of every man who reads that paper. Of course the miserable creature who penned this libel did not attempt to explain how I have assisted, or how I could assist, those in charge of the measure by introducing an income-tax amendment, and he did not do so because he knew that the dullest man who read it would easily detect the fallacy of any explanation which he could invent. Unable to explain it, because it was not susceptible of explanation, he simply made the statement on the calculation that if he could make one man in twenty who read his article believe his lie he had helped his side just that much.

Mr. President, this creature, and all his kind, forget that for twelve years I have been trying to force the adoption of an income-tax law. I offered an income-tax amendment to the war-revenue measure when a Member of the House, something like eleven years ago. From that day till this I have been an earnest advocate of it, and these men know it, but they do not want the people to know it, and they seek to create the impression that Democrats are trying to muddy the water and to aid the men in charge of this bill. If any other Democrat had proposed this amendment, they would have told about him the same lie they have told about me.

Mr. President, suppose I reverse the position. Suppose the Senator from Iowa [Mr. CUMMINS] had introduced his amendment, and then I had introduced mine. A shallow-thinking man might find some extenuation, and an ignorant man might find some excuse, for saying that my purpose in introducing a second amendment was to divide the friends of an income tax. But the RECORD shows—and every Senator recalls—that I introduced my amendment a week before the Senator from Iowa introduced his. And yet there is no suggestion that that Senator, a distinguished Republican, was trying to divide the honest friends of an income tax.

But the suggestion is that this side, which made the first attempt to secure the adoption of such an amendment, are actuated by some purpose to disturb the harmony and divide the councils and dissipate the strength of those who favor this just and wise and philosophic system of taxation.

I go further, Mr. President. Suppose I had introduced the kind of an amendment which the honorable Senator from Iowa has introduced. Suppose I had graduated the tax as he has. These people would have said at once that I had tried to introduce a new and a dangerous question before the Supreme Court upon the rehearing. Or suppose I had concurred with him, and had levied a tax on the individual and exempted all corporations. Every penny-a-liner who will repeat that libel would have sworn that I was trying to exempt the great corporations and to lay the burden of government upon the man of flesh and blood, made in the image of his God. If I had introduced that kind of a proposition, they then might have excused themselves for such a libel.

But that, Mr. President, is in line with the deliberate, sedate, and steady policy, not only to misrepresent individual Democrats, but to misrepresent all on this side. I desire, however, in this public and explicit way, to acquit Republican Senators of that charge. I do not believe they have inspired it. I doubt if a Republican Senator in this body is low enough to associate with a man who would write a lie like that. I know if he would he is not fit to associate with the other Senators here. A fearless, a truthful, an incorruptible press is the greatest safeguard of a free republic. But a venal, a treacherous, and a lying newspaper is one of the most corrupting agencies that can exist in a free government. The man who defames an honest representative of the people is almost as vile as the man who defends a dishonest one.

Mr. President, so far as I am concerned, I am ready to support any measure which will at all commend itself to my conscience and my judgment, having for its object a relief for the consumers of this country and a tax on those who are able to bear it. I believe we ought to decide that question now. I know we must decide it later.

I understand what is the present programme on the other side, and I will put it in the RECORD, in the hope that it will deter them from following it out. I will at least have the satisfaction of having outlined it for them in a public way. Their present plan is to move to postpone the present consideration of this amendment, and then when the time comes that they must vote, according to their own motion, they intend to refer it to the Judiciary or some other standing committee of the Senate. That is their purpose. And thus they hope and plan to prevent a direct and decisive vote on the question, so that every man who advocates an income tax at home and votes against an income tax in the Senate can say he did not vote against adoption of this amendment.

I do not think there are many Senators of that kind. I know there ought not to be a single one of that kind. A Senator whose judgment and conscience tell him this amendment ought not to be the law, ought to be willing to vote against it. He ought to be willing to take his political destiny in his hands and sacrifice it, if need be, as a tribute to his conscientious judgment. If a Senator believes it is a just and a wise and an equal tax, why postpone the adoption of it? Surely it is as fair to tax a man on an enormous income as it is to tax him on a moderate appetite, and, as between your tariff schedules that tax men on what they eat and wear, and an income tax which assesses them according to what they own, I think the people of this country will have small difficulty in choosing.

Mr. CUMMINS. Mr. President, as Senators know, I have also proposed an amendment imposing an income tax. I am as deeply interested in the subject as can be the Senator from Texas, and I have been somewhat concerned in the efforts that have been made to embroil the advocates, the defenders, and supporters of an income tax sitting upon opposite sides of this Chamber. I very earnestly hope that these efforts will be unsuccessful, and that, when the moment arrives, the income-tax amendment, whether it comes from the Senator from Texas or whether it comes from a Senator upon this side of the Chamber, will receive the full strength that is here in favor of such a provision in the law.

I say for myself that I prefer in some respects the amendment I have presented; and I may say, in passing, that in deference to the wish of friends of the income tax upon this side of the Chamber I have eliminated from my amendment its graduated feature, hoping that I might in that way gather together all the strength there is here for a measure of that character. But while I like it better, if the amendment proposed by the Senator from Texas shall first come on, I shall vote for his amendment. I shall do whatever I can to see to it

that we commit ourselves to the policy of raising a part of the revenue necessary to carry on the affairs of our Government by a tax of this character.

But I can not agree wholly with the Senator from Texas with regard to the logical procedure. If I were helping to create a law, having as my guide simply the raising of a revenue upon imports, I would quite agree that the reasonable thing would be first to fix the revenue to be created by the income tax. However, inasmuch as I am doing what I can—although some of my Republican friends think my efforts are very ill directed—not only to create a revenue by duties upon imports, but to protect our markets against unfair competition, from my point of view, the time at which we ought to consider the income-tax amendment is the moment we pass from a consideration of the paragraph which imposes duties upon imports and before we pass to other portions of the bill.

I believe that in our work touching duties we ought to give some consideration to the part that that income tax is to play in the drama of our Government. I am one who is firm in the belief that when you pass this law, if it is passed precisely as it came from the committee, or if passed as we have reason to believe it will be passed, there will still be a deficiency of $40,000,000 a year between it and the necessities of our Government. Therefore I have no fear whatsoever that we will create such a revenue in this bill, aside from the income tax, as will make it unnecessary to impose a burden of that character. That is one of the reasons why, believing that we did not need protection on iron ore, I voted for free iron ore, for I wanted no revenue from that source. That is the reason, in part, why I voted for free lumber, believing that we need no protection upon lumber; that it is amply able to care for itself. I would rather raise the revenue that is created by an impost on lumber by an income tax.

So we pass on through the bill, and when we reach that part of our work I believe there will be no doubt in the minds of Senators that we will need some revenue from an income tax. We can then determine better than at any other time whether the tax shall be 2 per cent or 3 per cent or 1 per cent.

Therefore, as a sort of composition of the whole subject, I ask unanimous consent to take up the income-tax amendments as soon as we have considered and disposed of the paragraphs imposing duties on imports, and that we continue that consideration until the matter is disposed of. That involves a direct vote upon the income-tax amendment and suggests, at least, that there be no motion to refer these matters to the Judiciary Committee or any other.

Mr. ALDRICH. Mr. President, it would be impossible to get unanimous consent to that suggestion.

Mr. BAILEY. If the Senator from Rhode Island will agree that we may have a direct vote on the amendment, I will cheerfully concur in the suggestion of the Senator from Iowa.

Mr. CUMMINS. I very much hope the Senator from Rhode Island will not make the unanimous consent impossible. It can not do the country any harm to have a vote upon the income-tax amendment.

Mr. BAILEY. I want to say to the Senator from Iowa, before the Senator from Rhode Island responds, that while I think now is the time to settle it, I do not regard that as of sufficient importance to justify any division among the friends of the measure. I will agree to let the Senator modify his motion to take it up then and dispose of it. All I want is a distinct understanding that we are to have a direct vote instead of an indirect one. I prefer to vote now, but will yield that preference.

Mr. CUMMINS. I understand that the rules of the Senate preclude a motion of that character; that is, the motion must be to postpone to a time fixed, and that what I have suggested can only be accomplished by unanimous consent.

Mr. ALDRICH. Mr. President, I am willing to agree that this amendment and that all amendments with reference to the income tax shall be postponed and be taken up immediately after the agreement upon the schedules of the bill, to be then proceeded with and disposed of according to the rules of the Senate. I do not intend to make any agreement as to any particular disposition or as to any votes upon any particular amendments or proposition.

Mr. BAILEY. The Senator from Rhode Island, then, declines to agree that we may have a direct vote on the question.

Mr. ALDRICH. I can not agree to that, because that is a matter for the majority of the Senate at the time to dispose of.

Mr. BAILEY. A unanimous agreement would bind not only the majority but every Senator. An agreement of that kind I think——

Mr. ALDRICH. I have never known in my experience an agreement of that kind made. I think this is the first time I have ever heard a suggestion of that kind made. It is simply impossible for me to agree to bind the Senate as to any particular form of disposition to be made of the proposition.

Mr. BAILEY. The Senator from Rhode Island is not asked to bind the Senate. The Senator from Rhode Island is asked to allow the Senate to bind itself, and it would do it, in my opinion, except for his objection.

Mr. ALDRICH. I think not. It is my purpose, in making the motion which I have made, to have the income tax taken up on the date to which it would be postponed if the motion should prevail, and it was my further purpose, if the schedules have not then been disposed of, to move a further postponement of the consideration until the schedules are disposed of. It seems to me perfectly apparent, and it must be to everybody, that the orderly way to dispose of the bill is to go on and consider the bill by paragraphs and by schedules, and fix upon the rates and upon the consequent revenue which may be expected from them. After that is accomplished we can then tell whether an income tax is necessary and what rate of taxation should properly be fixed.

So all this seems to me to be premature. It does not affect really, I think, the judgment of the Senate, and I do not believe it misleads anybody in the country either. I shall object to any arrangement by unanimous consent which includes any agreement to vote in any particular way upon that amendment.

Mr. CUMMINS. Mr. President, I hoped very much that the Senator from Rhode Island would not prevent unanimous consent to the disposition of the income-tax amendment at the time and in the manner I suggested. I can not conceive a reason that will prevent or ought to prevent a vote upon this subject on its merits. However, I recognize that if the subject were postponed until June 10, or if it were determined now, the amendment would be subject to the motion that is in the mind of the Senator from Texas and in the mind of the Senator from Rhode Island.

Therefore I bow to what seems to be an imperious necessity, and I ask unanimous consent to take up and consider the income-tax amendments immediately after the disposition of the paragraphs relating to the duties upon imports, without further qualification.

Mr. BAILEY. Mr. President, I am not going to agree to that unless I can get an agreement to vote on the direct question.

Mr. ALDRICH. As far as I am concerned, I have no objection to the suggestion of the Senator from Iowa. In fact, I have no disposition to try to prevent the Senate from considering this question. I realize that it is bound to come up and bound to be disposed of. I am quite willing to accept the suggestion of the Senator from Iowa as far as I am concerned.

Mr. BAILEY. I do not intend for the Senator from Rhode Island and the Senator from Iowa to get together, if I can help it. I withdraw that objection.

The PRESIDING OFFICER (Mr. CARTER in the chair). The Senator from Iowa asks unanimous consent that upon the completion of the schedules of the pending bill the amendment known as the "income-tax amendment" be taken up by the Senate——

Mr. CUMMINS. I beg pardon of the Chair; I put it in the plural.

The PRESIDING OFFICER. That the amendments be then taken up for consideration. Is there objection?

Mr. DOLLIVER. There appears to be an amendment to the amendment to strike out the House provision in respect to an inheritance tax. I think that ought to be considered in the same connection.

Mr. ALDRICH. I think that would be included in the order for amendments relating to an income tax.

Mr. BEVERIDGE. It would not, perhaps, be necessary, I will say; but such an amendment may be offered as a substitute for the income tax. Any legislative procedure of the kind will necessarily be included in the unanimous consent.

Mr. BAILEY. Mr. President, the request is now pending. Of course the motion of the Senator from Rhode Island will be disposed of. I will leave it to go that way, because I believe that a number of Republicans on that side who say they are in favor of an income tax and who, I have no doubt, will favor it, would feel constrained to vote for the motion of the Senator from Rhode Island. Rather than to divide the friends, I ask the Senator from Rhode Island if he will not modify his motion to postpone until the schedules have been disposed of?

Mr. ALDRICH. That is taken care of by the unanimous consent.

Mr. BAILEY. Not exactly. I have another idea in my mind. I do not know but what the Senator from Rhode Island would arrange it so that the particular amendment I have offered would not be voted on.

Mr. ALDRICH. Oh, no; I have no such purpose.

Mr. BAILEY. The way it is now I am certain to get a vote on it, because if his motion were to prevail to postpone it, he would have to dispose of——

Mr. ALDRICH. It is my purpose to withdraw the motion to postpone.

Mr. BAILEY. Yes; and then leave the whole matter open; and when the time comes——

Mr. ALDRICH. The amendment of the Senator from Texas would certainly be included in the proposition of the Senator from Iowa.

Mr. CUMMINS. It is so intended, at least.

Mr. BAILEY. It is, if I can get the eye of the Chair, and I have had some experience in that line.

Mr. ALDRICH. I think the Senator from Texas will have no trouble in getting the attention of the Chair.

Mr. BAILEY. I have the matter now where I know I can get some kind of a vote on it. I think I——

The PRESIDING OFFICER. The Chair understood, and so stated, that the request of the Senator from Iowa for unanimous consent included all amendments relating to the income tax.

Mr. BAILEY. Mr. President, that is absolutely nothing. A unanimous consent of that kind amounts to nothing, because it is only equivalent to agreeing that the Senate will consider an amendment that has been offered. That is playing, as it were. That can be done without any unanimous consent. I do not ask the permission of the Senator from Rhode Island to offer an amendment in this body. I do not ask any Senator's permission when I offer one, except the one who happens at that particular time to occupy the Chair.

The request made here now amounts absolutely to nothing; it involves nothing; it concedes nothing; it gives us no right that we do not enjoy under the rules, and abridges a right that we do enjoy, because if this unanimous consent shall be entered upon the record, I would feel myself bound in good faith to observe it, and I would feel precluded from offering any amendments on this subject until the time specified by the Senator from Rhode Island. I am asked here and now to withdraw an amendment I have pending and upon which I can not be deprived of a vote of some kind, and I am rewarded for my courtesy in that respect by an assurance that at some time I shall have the right to do what nobody could prevent me from doing anyway. That is not exactly the kind of an arrangement that appeals to me.

The PRESIDING OFFICER. The Chair understands the Senator now to object to unanimous consent.

Mr. BAILEY. I do object.

The PRESIDING OFFICER. Objection is made.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada.

Mr. CUMMINS. I do.

Mr. NEWLANDS. I wished to make an inquiry regarding this unanimous consent. I believe that has been disposed of by an objection.

Mr. KEAN. It has been objected to.

Mr. CUMMINS. I was about to suggest to the Senator from Texas that I really think he takes a narrow view of this subject and of the scope and effect of the unanimous consent for which I asked. If the Senate now enters into an agreement, and that is the effect of the unanimous consent, when these paragraphs have been disposed of, and they must be disposed of some time, thereupon it will take up any amendment that may be offered for the purpose of imposing an income tax and proceed to the disposition of those amendments.

Mr. BAILEY. But the Senator from Iowa must know that it needs no unanimous consent to that effect. That is not only a concession on our part without any equivalent concession on the other part, but it is absolutely denying ourselves a right that we otherwise enjoy. No rule in the Senate can prevent the Senator from Iowa or the Senator from Texas from offering these amendments, either now or when the schedules are disposed of; and therefore we are invited to cross our hands and let the Senator from Rhode Island tie them for us, while he gives us nothing, not even the poor assurance that we can have a direct vote upon the proposition.

Mr. CUMMINS. The Senator from Texas can not get me in any quarrel with him, because I want to preserve the strength we have for the income tax, but he is in error in regard to the effect of the unanimous consent. Suppose we wait until these paragraphs are disposed of and the Senator offers his amendment, as he has a right to do, as he can, and suppose then the Senator from Rhode Island should move to postpone the consideration of that amendment until sometime later——

Mr. BAILEY. He reserves that——

Mr. CUMMINS (continuing). Then you are again prevented from the consideration of the thing in which you are interested. Now, this unanimous consent will compel——

Mr. BAILEY. No; he reserves that right.

Mr. CUMMINS. He does not object.

Mr. BAILEY. He does reserve the right to make a motion to postpone or to refer.

Mr. CUMMINS. I do not so understand it.

Mr. BAILEY. I consented to it if he would agree to give us a vote.

Mr. CUMMINS. There is a difference between——

Mr. BAILEY. The Senator from Rhode Island explicitly refused to bind himself against a motion to refer.

Mr. ALDRICH. I understand this agreement to be to take up these amendments after these other matters are disposed of, and keep them before the Senate until they are disposed of—disposed of by the rules of the Senate.

Mr. BAILEY. Let me ask the Senator from Rhode Island, Could we not do that without this unanimous consent?

Mr. ALDRICH. Not necessarily.

Mr. BAILEY. Why can we not? Name the rule that prevents me from offering an amendment. I could not perhaps get a majority of the Senate to agree to it, but even a majority of the Senate can not keep me from presenting it.

Mr. ALDRICH. Oh, no.

Mr. BAILEY. You can not keep me from choosing where I present it. I would have under this unanimous-consent agreement no more right than I have now, because I can force the consideration of it. Of course the Senate can dispose of it then as now, but the Senator from Rhode Island will not look serious when he tells me that he is making a concession to us in the agreement for which unanimous consent is now asked.

Mr. ALDRICH. I make a concession——

Mr. BAILEY. He seems confused now. [Laughter.]

Mr. ALDRICH. I am making the same concessions that are always made in these unanimous-consent agreements; that is, to fix a time to proceed to the consideration of a measure, and to proceed with the consideration of it until it is disposed of by the Senate.

Mr. BAILEY. This measure is now before the Senate; and any Senator can offer any amendment at any time that he can secure recognition from the Chair. The Senator from Rhode Island will go to his room and laugh at us if we agree to this request, for the effect of it is simply to say that he will agree that we shall have the right to do what we have a right to do anyway. Of course I object to it.

Mr. ALDRICH. I was not a party to this agreement between the Senator from Iowa and the Senator from Texas, but I seem to be the only party criticised about it. The Senator from Iowa made a suggestion which the Senator from Texas accepted. I accepted, and now I am the only party who seems to be criticised.

Mr. BAILEY. I saw you had the best of us, and I withdrew it before it was too late.

Mr. CUMMINS. I have no doubt that the Senator from Texas is able to take care of himself, as he has established many times heretofore. I feel that I am able to take care of myself as well. Therefore I limit the unanimous consent for which I ask to my own amendment and allow the amendment of the Senator from Texas to take its course.

Mr. BAILEY. I object to that. I am not going to separate them.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I do.

Mr. NEWLANDS. I wish to ask the Senator from Rhode Island whether his understanding of this unanimous consent is that it will prevent him when the income tax comes up for consideration from moving its postponement or the reference of the question to a standing committee?

Mr. ALDRICH. Mr. President, the Senator's acute observation of what is going on in the Senate has misled him this time. There is no proposition before the Senate.

Mr. NEWLANDS. I understand that we are now considering the question of unanimous consent——

The PRESIDING OFFICER. Objection has been made——

Mr. NEWLANDS (continuing). Asked for by the Senator from Iowa [Mr. CUMMINS], to which the Senator from Rhode Island [Mr. ALDRICH] gave his assent; and the question has now arisen as to what is the meaning of that unanimous consent.

The PRESIDING OFFICER. Objection was made to the request for unanimous consent, both as to the last and the first proposition presented by the Senator from Iowa.

Mr. CUMMINS. I should like to answer the question of the Senator from Nevada.

Mr. NEWLANDS. As I understand, the Senator from Iowa yielded to an interruption from me for the purpose of presenting that inquiry.

Mr. CUMMINS. Precisely.

Mr. NEWLANDS. The Senator from Iowa has made this request for unanimous consent upon the assumption, as I understand, that we shall have a direct vote when we get through with these schedules upon these income-tax amendments, and that they will not be subject to a motion for postponement or for a reference to a standing committee. Is not that the understanding of the Senator from Iowa?

Mr. CUMMINS. Mr. President, I did originally ask for a unanimous-consent agreement that would prevent a motion to refer the income-tax amendments to a standing committee or to any other committee. That was refused. I then asked for a unanimous-consent agreement that would put the Senate upon the consideration of these amendments immediately after the disposition of the paragraphs imposing duties on imports, to continue until the amendments were disposed of. I assumed, and still assume, that such unanimous-consent agreement would prevent a motion to postpone to any future time——

Mr. ALDRICH. Oh, no.

Mr. CUMMINS (continuing). Inasmuch as the very purpose for which I asked the unanimous-consent agreement was to bring on the consideration of the subject at that time.

Mr. NEWLANDS. I ask whether the Senator from Rhode Island assented to that unanimous-consent agreement with the understanding which has been expressed to us by the Senator from Iowa?

Mr. ALDRICH. Mr. President, I stated that my understanding of the agreement was that the amendments should be taken up and kept before the Senate until they were disposed of under the rules of the Senate.

Mr. BAILEY. Now, Mr. President, a question. Under the rules of the Senate, would the Senator from Rhode Island have the right to move either to postpone or to refer the proposition to a standing committee?

Mr. ALDRICH. Unquestionably.

Mr. BAILEY. And the Senator from Rhode Island intends to do it.

Mr. ALDRICH. Mr. President, I have not expressed any purpose of that kind. I have stated that the matter would be disposed of under the rules of the Senate. Just what disposition that would be, would be subject to the wishes of the majority of the Senate, and not to my wishes.

Mr. BAILEY. The Senator from Iowa [Mr. CUMMINS] and the Senator from Nevada [Mr. NEWLANDS] both understand the purpose of the Senator from Rhode Island. All the Senator from Rhode Island will agree to now is that the Senator from Iowa and myself may have such rights as the rules of the Senate accord us, and absolutely no more than that under this unanimous-consent agreement.

Mr. CUMMINS. Whatever may be the intent of the Senator from Rhode Island I do not know; but that was not the unanimous consent for which I asked; it was not the unanimous consent that was granted, save, as I understand, for the objection of the Senator from Texas.

Mr. BAILEY. Mr. President——

Mr. CUMMINS. Just a moment.

Mr. BAILEY. You want that corrected at once. The Senator from Texas cordially joined in that request, yielding his judgment upon the statement that they would give us a direct vote. The Senator from Rhode Island refused to have the unanimous-consent agreement as construed by the Senator from Iowa, and upon his refusal to accept that construction I made the objection.

Mr. ALDRICH. There should be no misunderstanding of the statement as I made it. I am willing that the matter shall be taken up by the Senate, and kept before the Senate until it is disposed of.

Mr. BAILEY. Ah, Mr. President, but let us be frank.

Mr. ALDRICH. I am perfectly frank.

Mr. BAILEY. But does the Senator from Rhode Island intend to move to refer that proposition?

Mr. ALDRICH. I do not know. I intend to reserve all the rights which I have or——

Mr. BAILEY. And to surrender none.

Mr. ALDRICH (continuing). That any other Senator has.

Mr. BAILEY. And we surrender ours. That is the kind of trades the Senator from Rhode Island frequently tries to make; but that is not the kind he will make with me.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. CUMMINS. I do.

Mr. TILLMAN. The fencing of these experts has got me a little confused, though I think I smell something up the creek. [Laughter.] I want to ask somebody who may be willing to answer, if we have men here who are willing to vote for an income-tax amendment who will prefer to dodge it by voting to postpone it?

Mr. GALLINGER. We will find that out on the vote.

Mr. CUMMINS. Time alone can tell.

Mr. ALDRICH. Mr. President, there may be Senators here who are honestly in favor of an income tax who might not be in favor of it if we furnish sufficient revenue by this bill to obviate the necessity of unnecessary and onerous taxation.

Mr. BAILEY. Now, the gentlemen on the other side understand the line of action.

Mr. BEVERIDGE. We do.

Mr. CUMMINS. Mr. President, the Senator from Texas [Mr. BAILEY] will understand that I am not the guardian of the Senator from Rhode Island [Mr. ALDRICH]. I asked for a unanimous-consent agreement, which was that we take up this matter and proceed with its consideration. If the Senator from Rhode Island had it in his mind to reserve the right to postpone the consideration of that amendment to some other time, he was, I am sure, inaccurate in interpreting the consent for which I asked. The unanimous consent for which I asked was that this amendment should be taken up for consideration, and a motion to postpone the amendment for consideration to some future time would be inconsistent with and repugnant to the very consent for which I asked. If the Senator from Rhode Island says that he does not understand that he surrenders the right to postpone the consideration of this amendment to another time, then, of course, he is not consenting to the matter for which I asked.

Mr. ALDRICH. Mr. President, I have never had any purpose to move the postponement of the consideration of the amendments. I could not do that under the unanimous consent. I could make a motion, or any other Senator could make a motion, to refer or to commit or any of the other motions that are authorized by the rules; but I had no idea of doing anything except carrying out the agreement in perfect good faith; not to postpone the consideration to another and further time if it was important that the Senate should take any particular action upon the subject not inconsistent with the agreement to keep the matter before the Senate until it was disposed of. Of course, I should have a right to make those motions; and I do not intend, and I think there could not be any intention on the part of anybody, if this agreement is entered into, to postpone the consideration in violation of the agreement.

Mr. BEVERIDGE. It could not be done under the agreement.

Mr. CUMMINS. That is as I understood the Senator. But, further, my consent embraces the agreement to proceed with the consideration as against a motion to postpone to a future time. If that consent is granted, I think we have made great headway on the income-tax amendments.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. I do.

Mr. LA FOLLETTE. I should like to ask the Senator from Iowa what distinction there would be between a motion to postpone consideration to another time and a motion to refer to the Committee on the Judiciary or to any other committee? That would work a postponement indefinitely of this proposition.

Mr. CUMMINS. So far as the inquiry of the Senator from Wisconsin is concerned, Senators have the right to do that now.

Mr. LA FOLLETTE. Then, what is accomplished by a unanimous-consent agreement that the matter be taken up and considered until disposed of? That will effect nothing, so far as the vote is concerned, unless it includes a proposition that the amendments shall not be referred, because that is only another means of postponing them indefinitely.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I do.

Mr. CULBERSON. I simply suggest to the Senator from Iowa to put his request, as he interprets it, to the Senate, and ask unanimous consent of the Senate to take up these amendments immediately after the disposition of the schedules of the bill, to be considered and determined by a direct vote of the Senate.

Mr. GALLINGER. Oh, no.

Mr. CUMMINS. I understand that that request was refused. I asked unanimous consent to so dispose of the matter, and it was not given. I believe that it would further the interests of the income-tax amendments if the second request that I made were granted. That request is, that at the close of the consideration of those paragraphs imposing duties on imports the income-tax amendments—I care not how you phrase that part of it—be taken up and proceeded with until disposed of, not, however, to be disposed of by a motion to postpone to some future time. I suppose that we are men of honor. We understand the spirit of agreement. I believed that that would facilitate the agreement, as well as the disposition of the subject; I believe so still; and I ask unanimous consent in the terms I have now stated.

Mr. BAILEY. Mr. President, pending that I desire to be indulged for a moment. Of course the Senator from Iowa is able to take care of himself.

Mr. CUMMINS. Will the Senator yield to me for just a moment?

Mr. BAILEY. Certainly.

Mr. CUMMINS. It is manifest that there can be no unanimous consent upon any subject whatever——

Mr. BAILEY. I am not sure about that.

Mr. CUMMINS (continuing). And I therefore withdraw my request for unanimous consent.

Mr. ALDRICH. Let us have a vote, then, on the motion.

Mr. BAILEY. Mr. President, just a moment. I think when the Senator from Iowa reads the transcript of the stenographic notes of what has just transpired, he will not be entirely satisfied with the situation in which he has left himself. He preferred a request, and, in preferring it, he interpreted it. His interpretation was that his request required a direct vote on the income-tax amendment or amendments. I stated from my place here that while I believed it preferable to dispose of the matter now, with a view to the adjustment of the schedules according to the disposition of the income tax, yet, to avoid any friction between the advocates of the policy, I would yield my judgment and cordially concur in the request of the Senator from Iowa.

The Senator from Rhode Island declined to allow that unanimous consent entered upon the record with the understanding that it should bring the Senate to a direct vote upon the question. I think I know—though I do not get it from any Senator on the other side authorized to speak—that their programme is exactly what I have already outlined. They have verified my understanding of the first half of it by moving to postpone the consideration of my amendment, exactly as I prophesied they would, and I have no shadow of doubt that they will in time verify the second half of my prophecy by moving to refer the income-tax amendments to the Judiciary Committee.

I made that prediction in a bare, but, I think, a vain hope that I might deter them from it; but that they have not been moved from their determination is apparent now, because the Senator from Rhode Island refuses his consent to the request of the Senator from Iowa when the Senator from Iowa construes it.

The Senator from Iowa will also recall that the Senator from Rhode Island, in reply to me, declared that the Senate would proceed with the consideration of these amendments under the rules of the Senate. Now, what are the rules of the Senate? Here are the motions:

To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely.
To postpone to a day certain.
To commit.
To amend.

Under the rules of the Senate the Senator from Rhode Island—and he reserved his right expressly to act under the rules of the Senate—would have the right to move to commit the amendment to the Judiciary Committee as clearly as he would have the right to amend it. Am I not stating the interpretation of the rule as the Senator from Rhode Island understands it?

The Senator from Rhode Island nods his assent. Therefore, if the Senator from Iowa had obtained the unanimous consent for which he asked and in the terms in which he asked it, the Senator from Rhode Island would have been at perfect liberty to move either to postpone until the next session of this Congress—because the motion to postpone is one of the motions under the rules of the Senate, and the Senator from Rhode Island expressly reserved his right to act within the rules——

Mr. ALDRICH. I stated to the Senate that I had no intention to move to postpone to any future time, and I was perfectly willing that the agreement should include the fact that no motion to postpone was intended.

Mr. BAILEY. Now, include the words "to refer," and we will agree to the unanimous consent.

Mr. ALDRICH. The Senator has made that suggestion half a dozen times, and I have stated positively that we could not consent to that.

Mr. BAILEY. Therefore, Mr. President, what difference would it make whether the Senator from Rhode Island moved to refer it to a committee or to postpone it indefinitely, for if you send it to a committee, according to our experiences, that is equivalent to postponing it indefinitely? What I want—and I will agree to any unanimous consent that secures that right—is a direct, unequivocal vote on the question. I want every Senator to record his judgment, not whether the matter ought to be further investigated, but whether the Congress of the United States should lay a tax upon the incomes of our prosperous classes. That is all I ask.

Mr. HALE. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Maine?

Mr. BAILEY. Certainly; I do.

Mr. HALE. Everything of this kind must be disposed of, if any agreement is made as to the time when it shall be taken up, by the action and the will of the Senate. All that I understand the Senator from Texas seeks, and that the Senator from Iowa now seeks, is that when the schedules of the bill are completed the income-tax proposition shall be taken up and considered by the Senate; and it has been substantially agreed that there shall be no motion for delay—that is, to postpone.

Now, the Senator says that what he wants is an ironclad agreement by the Senate to-day, this day of May, that when the Senate, under the agreement, takes the matter up, it shall be bound to certain restrictions as to its motions. The Senator loses no right——

Mr. BAILEY. And gains none.

Mr. HALE. Yes; he gains this, under the proposition of the Senator from Iowa, that when we are through with the schedules we take up the income-tax amendments.

Mr. BAILEY. Are you not bound to do that anyway?

Mr. HALE. No.

Mr. BAILEY. How could you avoid it?

Mr. HALE. Because there are a hundred other different propositions in the bill that a majority of the Senate might conclude to go to, and not take up the income tax until the whole bill had been completed.

I wish to say that, as I understand the feeling upon this side and of the committee, this proposition is not a thing that can be avoided; it will come up; it will be disposed of by the will of the Senate when it comes up, and the Senator loses no right by the agreement; and when the schedules of the bill are completed, no motion can be made to take up any other part of the bill. We go to the income-tax propositions and consider them under the rules of the Senate.

The Senator is afraid that a motion will be made to refer to the Committee on the Judiciary or to some other committee. If, when that time comes, Mr. President, the Senator has the majority of the Senate at his back, the Senate will vote down the proposition to refer to the committee and will vote directly upon the amendments.

Mr. BAILEY. The Senator from Texas does not think that he will have a majority if we wait until that time, and that is the reason the other side want to wait; and it is the very reason I do not want to wait.

Mr. HALE. Mr. President, I do not know what the Senate would do to-day or what it will do when the schedules are completed, but, to me, it is a fair, serious, honest proposition, with no gain or loss to either side, as it is now presented by the Senator from Iowa. If the agreement is entered into when we reach the consideration of the amendment, if any motion is made, as it can be made under the rules of the Senate, to commit the proposition to the Judiciary Committee, if a majority of the Senate does not want that done, it will vote it down. We will come to a direct vote by the will of the Senate, and that will dispose of the whole thing. I take it that the Senator from Iowa realizes that situation.

Mr. DANIEL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Virginia?

Mr. BAILEY. I do.

Mr. DANIEL. Mr. President, I should like to ask the Senator from Maine or the Senator from Iowa a question. Would

they consent to add to the request of the Senator from Iowa, for unanimous consent, the words "and disposed of by direct vote before the adjournment of this session?"

Mr. HALE. That has been proposed and objected to.

Mr. BEVERIDGE. It has been objected to.

Mr. DANIEL. Then I understand it will not be consented to.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Georgia?

Mr. BAILEY. I do.

Mr. BACON. With the permission of the Senator from Texas, I desire to submit an observation to the consideration of the Senate. As I understand the motion of the Senator from Rhode Island, it is that the amendment offered by the Senator from Texas shall be postponed for consideration until a future date—the time stated. Am I correct?

Mr. ALDRICH. That is, that the consideration be postponed, to put it slightly different.

Mr. BACON. Yes; the consideration. In other words, that it be removed now from the consideration of the Senate to a time fixed.

Mr. President, I have not the slightest doubt in my mind—not a particle—that there is no warrant in parliamentary law for any such motion, and I think I can sustain that contention beyond a possibility of doubt. Of course, I mean in saying "the possibility of doubt" not to exclude the fact that other Senators may be equally convinced the other way; but upon every principle of parliamentary law that motion is without support and, so far as I know, absolutely without precedent.

Mr. President, the proposition is this: According to a well-recognized and indisputable principle of parliamentary law, as an original proposition, in the absence of any rule to vary it, when an amendment is offered, it can not be removed from the consideration of the body temporarily without carrying with it the original proposition.

Every man at all familiar with parliamentary law knows that is a fundamental proposition in parliamentary law. When an original proposition is before a body and an amendment is offered, in the absence of any special rule to control it, according to parliamentary law a motion to dispose of that amendment in any other way than to vote upon it will carry with it the original proposition. Everybody knows that fact.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I will, if the Senator insists, but I have not yet stated my proposition, and it might be well for me, before the Senator makes an inquiry, to state my proposition.

Mr. GALLINGER. I wish to call the attention of the Senator to the fact that under general parliamentary law we can not table an amendment without carrying the main question with it.

Mr. BACON. I assume that the Senator does not suppose that I am ignorant of the rule of the Senate with reference to that, and I am coming to it.

Mr. GALLINGER. And under the rule of the Senate, general parliamentary law is overruled.

Mr. BACON. But it is not overruled in this particular, and that is what I am trying to prove, if the Senator will give me an opportunity to do so.

Mr. GALLINGER. We think it is on all fours with it.

Mr. BACON. I wish to state the proposition consecutively, and therefore I repeat that according to general parliamentary law an amendment can not be disposed of by a motion to postpone it in any way; to lay it upon the table, or in any other way. The simple reason is this: If an amendment is offered to a substantive proposition, to postpone it and then go on and decide the substantive proposition to which it is offered as an amendment, is to defeat the amendment in an indirect way; and therefore that rule of parliamentary law stood in the way absolutely as a barrier in the Senate to the disposition of any amendment in any way except by a vote upon it.

Now, that was found by the Senate to be inconvenient. It was not in order, according to parliamentary law, to move to lay an amendment on the table without carrying the main proposition with it, and therefore the Senate passed a special rule varying the general parliamentary law. The general rule of parliamentary law being that no amendment could be disposed of by a postponement of any kind, the Senate passed this rule, found on page 18 of our manual:

When an amendment proposed to any pending measure is laid on the table, it shall not carry with it or prejudice such measure.

That is now the law of the Senate. Without that a motion to lay an amendment on the table would not be in order except with the result stated. Why? Not because previous to that we had any rule that an amendment should not be laid upon the table, but because there was a general rule of parliamentary law controlling not only this body, but every other body recognizing parliamentary law, which said that no amendment could be disposed of in a collateral way, but that it must be met by a direct vote; that if it was disposed of in a collateral way, the main proposition should go with it, in order that the amendment should not lose its place.

Now, to what extent did the Senate vary the general rule by the adoption of this special rule? No further than its terms expressed; no further than to say that, while it is true that an amendment can not be disposed of in a collateral way as a general thing, we do provide that it may be disposed of in a particular way, and in only a particular way, and that is by a motion to lay upon the table. There is no doubt about the fact that the Senator from Rhode Island would be in order to move to lay it upon the table, because we have a rule which, while utterly inconsistent with the theory of parliamentary law, is nevertheless binding upon this body, and that rule permits it to be laid upon the table; but in no other respect is the general rule of parliamentary law varied which says that an amendment can not be disposed of in a collateral way. And so, Mr. President, I do not think there is any question about it. There is certainly no question in my mind that the rule has been varied to that extent and to that extent only. There is no question of the existence of the rule. No man who knows anything of parliamentary law will deny that, and there is no question that we have only varied it to that extent and no further. We have varied it only to the extent of saying that an amendment can be laid upon the table, and we have not in the slightest particular varied in any other way the general rule of parliamentary law that an amendment can not be disposed of collaterally.

Mr. HALE. What does the Senator say to the rule beginning at the bottom of page 20?

Mr. BACON. That has nothing to do with it.

Mr. HALE. Will the Senator read it?

Mr. BACON. Oh, yes; that is the order in which motions can be made; but, of course, those motions have to be legal motions, proper motions; and if the Senator will give me his attention, I think I can satisfy him of it.

PRECEDENCE OF MOTIONS.

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely.
To postpone to a day certain.
To commit.
To amend.

Mr. HALE. Mr. President——

Mr. BACON. Now, will the Senator pardon me a minute? He has asked me a question, and he should allow me to answer it. I can not answer two questions at once. The Senator has asked me a question, and I am proceeding to give him the best reply I know.

Now, suppose that there had been no rule such as that I have read from on page 18, which permits an amendment to be laid upon the table; would the Senator say that, even in the face of the general parliamentary rule which I have repeated and which no man can dispute, it would still be in order to move to postpone an amendment to a day certain?

Mr. HALE. Undoubtedly.

Mr. BACON. I will suggest to the Senator from Maine, when he says "undoubtedly," that he has been trained in a very different school of parliamentary law from any of which I have ever had any knowledge.

Mr. HALE. Undoubtedly, under the rule to which I have called the attention of the Senator, and which he has just read, whenever a question is before the Senate. Is not the amendment offered by the Senator from Texas, or the amendment offered by the Senator from Iowa, or any other amendment, a question before the Senate? The rule is intended for the guidance of the Senate.

Mr. BEVERIDGE. What is the question?

Mr. HALE. The amendment.

Mr. BEVERIDGE. Certainly.

Mr. HALE. There is no other question, and can not be. Until that amendment is disposed of in some way it is the ever present and engrossing question before the Senate; and in framing the rules, a way has been provided to dispose of a question; and so carefully is it provided, that the order of motions which can be made for the disposition of the question before the Senate is given in concise and indisputable terms; and that becomes

and is, as the Senator from Indiana says, the law under which the Senate is acting.

Mr. BACON. I have the greatest confidence in the Senator from Maine as to most matters which pertain to the Senate. He is a Senator of very large experience, very industrious, and has given closer attention to the business of the Senate than possibly any other Senator who is now a Member of it; but I must confess that I have not a very high estimate of the knowledge of the Senator from Maine of the science of parliamentary law. Parliamentary law is a science, just like the common law, depending upon principles; and any proposition must be defended or overturned according as it may agree with those general principles.

Now, the matter of the order of precedence of questions is no new matter. It is as old as parliamentary law. The questions the Senator has had me read are questions which have existed from the foundation of parliamentary law as to precedence; but the Senator will search in vain, and I challenge him to do it, not only this afternoon but at any other time; he may take all the books on parliamentary law he can find in the Library of Congress, and he will fail to find anything which will support the proposition that an amendment can be removed from the consideration of the body by a motion to postpone it to a time certain or to any other time. On the contrary, I assert that it is beyond the possibility of question as a fundamental proposition in parliamentary law, outside of any particular rule which may be adopted by a body, that an amendment is dependent upon the original proposition, and that you can not remove the amendment from the consideration of the body without the original proposition going with it; and it was only because of the inconvenience that that occasioned that the Senate adopted a rule permitting a motion to lay an amendment upon the table without taking the original proposition with it. In the absence of this particular rule which is found in our manual, a motion to lay upon the table would be entertained; but if carried, it would carry the entire proposition to the table; and it was to avoid that result that the Senate adopted a rule by which the motion to lay upon the table should not carry the original proposition with it to the table; and if the general principle of parliamentary law should prevail, according to the rule which would have required a vote to lay an amendment upon the table to have carried with it also the principal proposition, a motion to postpone an amendment to a day certain would have also carried with it the original proposition for consideration on the same day.

Mr. LODGE. Mr. President——

Mr. BAILEY. Mr. President, I have not yielded the floor.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. LODGE. Mr. President, I believe I have not spoken before on this question.

Mr. BACON. I asked the Senator from Texas to yield to me.

The PRESIDING OFFICER. The Senator from Texas yielded to the Senator from Georgia.

Mr. BAILEY. Mr. President, I desire to occupy only a moment, and that in reply to what was said by the Senator from Maine.

You may always be certain that when the Senator from Maine is not absolutely candid, it is a hard case, because he is one Senator in this Chamber who, as a rule—and I believe this afternoon is the only exception I have ever known him to make—is absolutely candid.

The Senator asks the Senate to believe that we who insist upon the disposition, and the prompt disposition, of this case would acquire some new right by assenting to a request for unanimous consent that after all the other things have been done we may do this. Or, if the Senator is not satisfied with that way of stating it, I will state it in this way: That after we have disposed of all the schedules—and that includes the right of every Senator to offer any amendment to any schedule, and surely when we have done that we will have finished our work—we may then offer these income-tax amendments.

Mr. President, I aver, and I will stake my reputation for candor upon it, that we have that right full and perfect without any unanimous consent. Therefore what do we gain?

Mr. HALE. Does not the Senator concede that a fitting time to consider this amendment, a suitable time, is not now, when we are considering the customs schedules? This is not a matter of customs duties. It comes within what I suppose the Senator and I, with our experience in legislation, would call the "internal-revenue features." There are none of those in the customs schedules. I do not use the word offensively, but is it not rather intrusive that the Senator should ask us to consider the income-tax amendment when we are not considering and have not reached that branch of the revenue under which the income tax could be taken up and considered? Is it in any way seeking to impair the natural right of Senators when the committee ask that the consideration of the income-tax proposition, which we know we have to consider—which we know we have to face—shall be postponed until we have considered the customs schedules?

If the Senator will allow me, I was not consciously uncandid when I stated that if that agreement was made, the Senator would lose no rights; the advocates of the income-tax proposition would lose no rights. But I agree with the Senator from Iowa that something is gained in its being determined now; that when the schedules have been disposed of we will take up this proposition, and none other, until the Senate shall dispose of it.

I like to agree with the Senator from Texas; I appreciate his complimentary phrase—from no one would it come more agreeably than from the Senator from Texas—but I hope he will not think in making that proposition there is anything unfair or uncandid. I think the Senator from Texas gains something; I think the Senator from Iowa gains something by the consent to take up at that time this proposition and dispose of it, as the Senate will at that time desire to dispose of it.

Mr. BAILEY. Mr. President, the Senator from Maine will not deny that the Senator from Iowa or I have the right, when recognized by the Chair, to offer these amendments now. Therefore when you give us the right to offer them at the end of the bill, you give us absolutely no right which we do not now possess. But, on the contrary, you abridge our right to offer them anywhere by confining us to offering them at the conclusion of the bill. I can not comprehend how a Senator can say that when I have a right to offer an amendment anywhere, I gain something by agreeing that I will not offer it until the end of the bill.

Mr. HALE. Mr. President——

Mr. BAILEY. Now let me finish.

Mr. HALE. Yes; I will not interrupt the Senator.

Mr. BAILEY. The Senator will let me finish that. The Senator says the Senate agrees to do nothing else. Of course not, because the Senate will have done everything there is to do, except this particular matter.

Mr. HALE. No.

Mr. BAILEY. You reserve the right to dispose of every schedule before you dispose of this amendment.

Mr. HALE. The customs schedules.

Mr. BAILEY. I understand. The other parts are not schedules. They are mere paragraphs or sections. I used the word "schedules" accurately.

Differing with the Senator from Maine, I would have decided this question first instead of last, for the reasons I have already stated to the Senate, and which I will not consume time by repeating. I think it was necessary for us to know how much revenue was required to be raised by this bill before we began to fix the schedules or the rates of the schedules, and consequently the orderly and natural place for the decision of this question was at the very beginning of the bill.

I tried time and again to obtain a unanimous-consent agreement to fix a day. That request each time was denied. The Senator from Rhode Island did not deceive me at all with his objection. I do not mean to say he intended to deceive me. But when the Senator from Rhode Island objected to fixing a day, I knew why. I know now. The Senate knows now, because he admits it, and that is because he thinks they will be stronger against this amendment as the time progresses than they are now. Let me see if I state it correctly in effect. The Senator says he does not want to vote on it until he gets through the schedules, because he believes that he can then show that there will be revenue enough, independent of an income tax, and he proposes to appeal to Republicans that, with an abundant revenue, they shall not vote to levy a new tax.

It is passing strange that the most ardent opponents of the income tax are the sponsors for this motion, if it is not intended to assist in defeating the proposition I have made.

Mr. HALE. Right here, will the Senator allow me?

Mr. BAILEY. I will.

Mr. HALE. The Senator says he gains nothing if he consents to this proposition. Let me tell him what he does gain. He makes the proposition, and at once the Senator from Rhode Island, the chairman of the committee, moves to postpone it until the 10th of June. If this agreement is made, no such motion can be made.

Mr. BAILEY. No; but a motion can be made to refer to a committee, and what is the difference?

Mr. HALE. There is a great deal of difference.

Mr. BAILEY. What is the difference?

Mr. HALE. There is a great deal of difference.

Mr. BAILEY. Explain it to the Senate.

Mr. HALE. But to-day the Senator is met by the motion to postpone. It is agreed that when we take this up, if we do, after the schedules are completed, there shall be no dilatory motion of that kind made.

Mr. BAILEY. No; but there will be a motion to send it to a committee.

Mr. HALE. That is not a dilatory motion.

Mr. BAILEY. But it disposes of it without a direct vote, and that is what I do not intend to have done, if I can prevent it.

Mr. HALE. The Senator gains this: There will be no more motions to postpone, if the agreement is made. It will come right square at once to the proposition on the amendment, if the Senate wants it, or if somebody moves to commit it, and the Senate wants that. But the Senator will get rid of every motion to postpone, and I think the Senator from Iowa feels that that is a great advantage.

Mr. CUMMINS. Precisely. I hoped we might have unanimous consent to vote directly upon the income-tax amendment. That was denied. The next best thing is to get a vote on the motion to commit, if you please, and I preferred the request for unanimous consent in order to eliminate just such motions as that which the Senator from Rhode Island has now made—a motion to postpone the consideration of the amendment to some other time. I believe we would gain an advantage by such a unanimous-consent agreement, or I would not have asked for it, and I believe the Senate ought to consent to it. But when a request for unanimous consent creates debate, intense and earnest, as this has created, evidently that is the end of the matter, and I therefore have withdrawn the request for unanimous consent.

Mr. BAILEY. The Senator from Rhode Island moves that we postpone this until the 10th of June. That is earlier than we would reach it under the request for unanimous consent. The Senator from Rhode Island, let me tell him, will not have disposed of these schedules by the 10th of June.

Mr. ALDRICH. Then I will say to the Senator from Texas that I shall then move to postpone again until we have reached it.

Mr. BAILEY. So I notify the progressives who say they favor an income tax to see the dish the Senator sets before them—a postponement after a postponement.

Mr. CUMMINS rose.

Mr. BAILEY. I yield to the Senator from Iowa.

Mr. CUMMINS. I am sure that the Senator from Texas does not intend to challenge the sincerity of the progressives of the Senate.

Mr. BAILEY. No——

Mr. CUMMINS. We are just as much in favor of an income tax as are the Senators upon the other side, and I hope no degrees of fidelity will be conferred. Let me say that we on this side who are in favor of the income tax—I speak now for most of them, I am sure—believe that the time to take up that subject and dispose of it is when we have finished these schedules, and we intend to bring about that result if we can do it.

Mr. BAILEY. Mr. President, I have not said anything to challenge the sincerity of the Senator from Iowa, but I do very distinctly challenge his wisdom about this particular question. I want to tell the Senator from Iowa now that when he finds himself agreeing with the Senator from Rhode Island, and they are on different sides, he will be wiser after the event than he was before.

Mr. CUMMINS. All I can say is that up to this time I have not voted oftener with the Senator from Rhode Island than has the Senator from Texas.

Mr. BAILEY. Mr. President, the Senator from Rhode Island has been right twice during this session, and I voted with him both times. He has been wrong all the other times, and I voted against him. The Senator from Iowa can not say as much.

Mr. President, the Senator from Iowa knows as well as I do what is going on with this income-tax amendment. The Senator from Iowa knows that we are not as strong to-day as we were three weeks ago.

Mr. CUMMINS. Mr. President——

Mr. BAILEY. Does the Senator think so?

Mr. CUMMINS. So far as the Republican Senators are concerned, we are stronger now than we were three weeks ago.

Mr. BAILEY. We can adopt the income-tax amendment this afternoon, if that is true. All we need to do is to vote down the pending motion and call the roll on the amendment. If you are stronger than you were two weeks ago, we can defeat the motion to postpone and adopt the amendment this afternoon. Does the Senator want to adopt it now?

Mr. CUMMINS. There are more Republican Senators in favor of an income tax, in my opinion, now than there were three weeks ago. That is not synonymous with discussing and determining the income tax at this time, rather than at the close of the schedules.

Mr. BAILEY. Would the Senator adopt it this afternoon, if he could?

Mr. CUMMINS. I will.

Mr. BAILEY. Then we can do so if we are stronger on the Republican side than we were three weeks ago.

Mr. CUMMINS. I shall vote against a postponement of the motion on this subject.

Mr. BAILEY. Three weeks ago a Republican Senator showed me a list of 17 Republican Senators who then favored this amendment. I have that list now; and if there have been no defections, we can adopt this amendment now. Since the Senator says he intends to vote against the motion, if there have been no losses, we will vote down the motion of the Senator from Rhode Island, and I will be ready to vote on the main proposition without a moment's discussion.

But I want to admonish all friends of the income tax on both sides that if we postpone it until the Senator from Rhode Island is ready to vote, we will not carry it, for he will stay here until the dog days before he will allow us to come to a vote on this question, if he can help it, until he feels reasonably sure of defeating it.

I do not complain that the Senator from Rhode Island does that. I presume that any other Senator opposed to a proposition as important as this would seek delay after delay until he was ready to vote. The Senator from Rhode Island is so uncertain now about being able to defeat it, even when we reach the end of the bill, that he will not agree to take a direct vote on the main proposition. I have offered to agree to a postponement of it here and now, if the Senator from Rhode Island will agree, in the presence of the Senate and have it entered upon the record, that we shall have a direct vote on the main proposition.

Mr. BORAH rose.

Mr. BAILEY. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, as far as I am individually concerned, I am ready to vote upon an income tax at any time. I have had the opinion, to some extent, that it would be proper to submit to the programme of the Senator who has charge of the bill, and it was my disposition to do so. I think, however, there is one thing that those loyally in favor of an income tax ought to guard against, and that is the possibility of not having a direct vote upon the measure at all.

I believe that we owe it to ourselves since this discussion has taken the trend that it has, and we owe it to the country, and I want to say to the leaders of the Republican party that we owe it to the Republican party, to meet this measure squarely and vote for it directly, and either vote it up or vote it down. It is a measure which involves, in my judgment, not only a question of interest to the great masses of the people, but it involves in another way the integrity of the constitutional power of this Government. It has been discussed for the last four or five years; it has been discussed here in the Senate for the last two or three weeks, and we ought to be prepared to say to the American people that we either favor this measure or that we do not.

I appeal to the Senator from Rhode Island to consent here and now not only that we may take it up when the schedules are finished, but that there shall be no interference with a direct vote upon the measure.

Mr. BAILEY. Mr. President, that would settle all disagreement here this afternoon. I think now is the time, but the question as to when you do a thing that ought to be done is a mere matter of form and is wholly unimportant when compared with whether or not you do it. I yield that, and if the Senator from Rhode Island will respond to the sensible suggestion of the Senator from Idaho, I am ready to consent to it.

Mr. ALDRICH. Mr. President, my responsibility as the Senator in charge of this bill would be violated and I should abdicate my functions as a Senator if I should not, by every means in my power, press the consideration of the bill to a conclusion upon the schedules relating to the tariff before any additional taxation is suggested or voted upon.

I can not consent to the suggestion of the Senator from Idaho, for the reason that I think it is our imperative duty to determine first what the forms of taxation or the rates of duty shall be under the bill before we take up the question of additional taxation.

Mr. BAILEY. I borrow the expression, and say "Let us determine the form" before we go any further.

Mr. ALDRICH. The Senator from Texas has stated positively and definitely that it is his purpose, if the income tax should be adopted, to go back and revise the tariff schedules of the bill.

Mr. BAILEY. Therefore we ought to adopt it first, so that we would not have to go back.

Mr. ALDRICH. I say to every friend of this measure, sitting on either side of this Chamber, that if we now take up the question of an income tax and proceed to the consideration of it to the exclusion of all the tariff schedules, and if we adopt a tax which will levy on the people of the United States $80,000,000, I shall be ready to join the Senator from Texas in revising the schedules. It would be our imperative duty to revise them, not in the interests of protection, but for the opposite reason.

Mr. BACON. The Senator means in the interests of the consumer.

Mr. ALDRICH. If Senators sitting on this side of the Chamber desire deliberately to abandon the protective policy and to impose an income tax for the purpose plainly avowed by the Senator from Texas to reduce and destroy the protective system, I will say to those Senators that I do not intend to consent to that programme so far as I am concerned; and that I intend, so far as it is within my power, to proceed with the consideration of the bill; and that when the schedules are completed we will then take up the propositions involved in the income tax and consider those. But until, under the leadership of the Senator from Texas, this bill is taken from my charge, I intend to press its consideration, and I say that to every Senator. I do not intend to be swerved from that duty by any suggestions from any source.

Mr. BAILEY. Mr. President, that is a right touching appeal to the loyalty of the Republican side. I have no idea that they are going to displace the Senator from Rhode Island or select me as their leader on this particular occasion.

But the Senator from Rhode Island risks quite too much when he appeals to Republicans that they must put their conscience and judgment in duress, or that if they vote the way they think they are voting to depose him from the leadership of his party in the Senate.

The Senator from Rhode Island, unwittingly, of course, made a strong argument in support of my position and against his motion, because he says that if we adopt this income tax we must go back and revise the schedules. I want to adopt it to begin with so that we will go on and revise them in accordance with what we have done. The Senator from Rhode Island makes it manifest, indeed he asserts, that after he has finished the bill and after he has laid it here as the work of his hands it will produce revenue enough, and that if we then adopt an income-tax amendment we must go back and revise the tariff bill under the leadership of the Senator from Texas.

The Senator from Texas can never aspire to equal the Senator from Rhode Island in his knowledge of the tariff and in his management of men, but in a spirit of becoming modesty I must be permitted to say that the Senator from Texas could make for the people of the United States an incomparably better tariff bill than the one the Senator from Rhode Island is now engaged in making. I not only would make it better in that I would make the duties lower, but I would make it better still in that I would lift from the backs and the appetites of the toiling millions of this Republic and lay a large part of the burden of this Government upon the incomes of those who could pay the tax without the subtraction of a single comfort from their homes.

We are ready to go to the American people upon that proposition; and yet as I stand here this evening in the presence of my colleagues and my countrymen I affirm that I would rather see this income tax adopted and have it eliminated from politics than to have the advantage which I know your defeat of it will give to the Democratic party. I do not pretend to know much about the people's sentiment; I am not accurate in gauging what the voters think; but if I can judge by the voluntary messages which have come to me, and, singularly enough, most of them have come from Republican States, if I can judge of what the people think by what a part of them have said to me, I have no hesitation in saying that, submitted to a direct vote of the people of the United States, 9 voters out of every 10 would vote to impose this income tax.

Yet the Republican party, in the face of this universal and overwhelming demand, will stand here and trifle with the judgment and conscience of Republican voters and refuse to lighten the burdens of the American people. If you choose to do it, the responsibility and the injury are on you; the advantage and the victory will come to us.

And yet, seeing an advantage of that kind, I have conferred more freely with Republicans upon this measure than I have with Democrats. The fact is, my Democratic associates have done me the honor to take my judgment about it, and they have not demanded of me many explanations or amendments. Most of the time that I have spent in conference on this amendment has been spent with Republican Senators who have at heart not only the welfare of the country, but the success of the Republican party.

Gentlemen, go ask them; put it to them. Do you believe they are truthful men? Ask them how the vote would stand, and they will answer you, as I now declare, that nine men out of every ten believe this is a wise and a just and an equal system of taxation. If it is, you may postpone it, but that is all you can do. You can not ultimately defeat it. You have no chance to reduce the expenditures of the Government, and therefore your only chance to meet these enormous and increasing expenditures is to lay a part of the burden upon the incomes of the rich. You will do it. Your consciences and your judgment now demand of you to do it now, and it is only a party loyalty, to which the Senator from Rhode Island has but just now appealed, that restrains you.

If I were framing an issue upon which the embattled hosts should decide the next election, I would not ask a better advantage than this. I would not ask a greater assurance of success than that we may go to the country advocating the reduction of tariff duties and the levy of an income tax, while you are opposing both. If you dare to repudiate this demand of the people, if you turn a deaf ear to this voice that calls upon you for justice, yours is the responsibility, ours will be the triumph.

Mr. LODGE. Mr. President, I want to say a word, as the question of order has been raised.

The PRESIDING OFFICER. The Chair does not understand that any question of order was presented.

Mr. LODGE. I do not know that it has been put in the direct form, but the question of order was raised by the Senator from Georgia. I merely wish to say that if we were under general parliamentary law, no doubt it would have great weight resting on the principle of an amendment not being separable from the original.

But, Mr. President, we are not under general parliamentary law. We are living under the rules of the Senate, which is a very different proposition. I served in the House of Representatives for some weeks under general parliamentary law, and it was a very different system from the system under which the Senate does or fails to do business. Senators would find a great many rights and privileges which they are very much attached to sadly curtailed if they were put under general parliamentary law.

Now, Mr. President, we are doing business, or trying to, under the rules of the Senate in accordance with the general proposition which is laid down in Jefferson's Manual and familiar to everybody—

> It is proper that every parliamentary assembly should have certain forms of questions so adapted as to enable them fitly to dispose of every proposition which can be made to them.

And those are enumerated. We have adopted a series of motions under the rule which is found on page 20, Rule XXII. It is a great deal more than precedence of motions. The rule is: "When a question is pending, no motion shall be received"—except the enumerated motions. They are not limited, and they can be applied in any case. They are not under the control of general parliamentary law.

Moreover, Mr. President, if we turn to Rule XXVI, which applies to motions for reference, which is all that this contest is about (it is an attempt to cut off the motion to commit, which is one of the privileged motions), we find that the motions are made for reference, not of a question, not of a bill, but of a subject. It is made as broad as possible that any subject can be referred; and if at any time a Senator chooses to move the reference of a subject to a committee, that motion is in order in the line of precedence established by the Senate in Rule XXII.

Mr. President, I do not think there can be any doubt that the motion is in order.

Now, one word about the income tax and the proposition which has been made. I am not likely to be very much prejudiced against an income tax, for we have one in my State and have had one always, in addition to a general property tax. I believe, without going into a constitutional question, that it is an eminently proper tax to levy when necessity requires.

But, Mr. President, there is a great deal more involved in this question than the mere question of the imposition of an income tax. The Senator from Texas stated that he believes nine out of ten of the people of this country want an income tax. They embodied in the Democratic platform, which I hold in my hand, a declaration in favor of an income tax last year, and we put none in our platform. I did not observe at the election that nine out of ten supported the proposition for an income tax.

But, Mr. President, that is only by the way. We are here to decide what is best for the public business and what is best for the country. The country intrusted the work of the revision of the tariff to the Republican party, and the Republican party in each Chamber has undertaken that work and is responsible for it when it is done. If in the middle of the custom schedules, before we know what the rates are to be, before we have any idea as to what, on the final summing up, our income from imposts and duties is likely to be, we are to inject an income tax carrying seventy or eighty million dollars, we utterly and totally change the character of the bill. It makes no difference, as far as that goes, whether it is at the end or in the middle. We have gone half way through the schedules imposing duties. We should have to change them all. We should have to cut off in all directions, for it would be, to my mind, a very great mistake to impose by internal-revenue taxes, added to customs duties and imports, an amount of taxation largely and obviously in excess of our needs.

Mr. President, after the schedules are agreed to, and we can determine what deficit, if any, exists, we can then determine not only whether we need an income tax or whether we need an inheritance tax or a tax on the dividends of corporations, but we shall then be in a position to determine how much, if any, of such taxes should be imposed. Up to this point the bill has been intrusted to the majority on this side of the Chamber. They are responsible for the result; they are charged, under their platform, not only with the duty of revising the tariff and raising sufficient revenue for the needs of the Government, but they are charged specifically with the maintenance of the protective system. If the two things are to remain together, if we are to have sufficient revenue and the maintenance of the protective rates, it is impossible to tell what other taxes are needed until we know what the rates may be.

I do not mean to be unduly partisan, Mr. President, and I have nothing but admiration for my friend from Texas [Mr. BAILEY]; but, on the whole, I think, so long as we are charged with the making of this bill, we had better do it under the Republican organization and under Republican responsibility.

There is one thing much worse for the country, much worse for the party, and much worse for every individual than whether we have an income tax or whether we leave it off, or just how high or just how low we make the rates, and that is to have the legislation fail entirely. It would be better to proceed with caution and circumspection, so that we may not endanger the passage of any legislation, and find ourselves thrown back without revision and with a continued tariff agitation pending over the country with the Dingley law rates.

Mr. BACON. Mr. President, I shall occupy the attention of the Senate but for a moment in replying to what the Senator from Massachusetts has said upon the question of parliamentary law. The Senator says that we are not acting under general parliamentary law. We are acting under general parliamentary law, except so far as the general parliamentary law has been varied by particular rules. The only particular in which the rule says that an amendment shall not be removed from the consideration of the body by any collateral motion is the rule which permits that amendment to be laid on the table. I am not going to discuss that any further, because I have stated the proposition, I think, quite fully. I am very frank to say that I had hoped, when it was stated, that it would be so apparent in its correctness that it would not be necessary to proceed further with its discussion.

I challenged the other side, and I repeat the challenge, to show any rule in any work on parliamentary law which permits it, or any precedent by any parliamentary body which has ever practiced it. I make that broad challenge, not simply for the present—for, of course, it will take some investigation to find a precedent, and Senators will have the whole range of parliamentary practice within which to make the search—but I will prophesy that they will not find it, whilst I have to go but a very short distance to find a precedent to the contrary.

I presume Senators who disagree with me this afternoon will not dispute the precedent when it is found in our own body. But the Senator from Maine and the Senator from Massachusetts both rest their contention upon the fact that in the order in which it is stated motions may be made, there is the specification of the motion to postpone to a day certain, and it is argued that therefore that must be now permitted which otherwise would not be permitted. I shall not stop to discuss that, Mr. President, because I think it is really so very untenable as to not require discussion. That is simply a question of order of precedence. If you extend it to the field of jurisdiction, it is only those things which legitimately belong to it that can be in order.

Unfortunately for the Senators, in that enumeration there is also the authority to make a motion to commit. Therefore any argument which would be used in support of the contention that a motion to postpone to a day certain is in order, would apply with equal force to a motion to commit. Unfortunately, we have a precedent in the Senate, in which the Senate on a vote decided that that motion was not in order, and the Senator from Massachusetts and the Senator from Maine were both present when that precedent was established, and doubtless contributed to the result one way or the other. I will read it. It so happens that the point of order was made by the junior Senator from Texas [Mr. BAILEY]. It occurred in the Fifty-ninth Congress, first session, on May 9, 1906, and is found in the CONGRESSIONAL RECORD, at pages 6552 and 6559:

> The railroad rate bill (H. R. 12987) to amend an act to regulate commerce, etc., being under consideration in Committee of the Whole,
> On motion of Mr. Hopkins, to refer an amendment as amended, together with a proposed amendment thereto, to the Committee on Interstate Commerce,
> Mr. BAILEY raised a question of order: That it was not in order to refer to a committee an amendment to a pending bill, and the Senate decided by a vote of 25 yeas to 48 nays that it was not in order. (See CONGRESSIONAL RECORD, pp. 6552–6559.)

Mr. President, when I stated my proposition, my distinguished friend from Massachusetts nodded his assent, that the same rule which would control in the case of a motion to commit would apply and control in the case of a motion to postpone to a day certain.

It might be stated that that rule would remove from the Senator from Texas the apprehension which he had that the Senator from Rhode Island would move to commit when the time came for consideration, if we had a general agreement that the proposition should be considered at a certain time. I would only reply to that, that the same influence which would cause the Senate now to override—which they would now do if they should persist in maintaining the motion of the Senator from Rhode Island—the same consideration which would induce them to override the proposition as contained in this parliamentary question, would also induce them to set aside this precedent and to commit, if they had the votes to do it.

Mr. President, I have not made any motion. I have not made any point of order, for the reason, as stated by me, that I supposed when I suggested so plain a parliamentary proposition as this one, buttressed by every principle of parliamentary law, the Senators on the other side would recognize it and yield the point; but as they evidently do not do so, it would be a vain thing to offer it, for the reason that if they have got the votes to pass the motion made by the Senator from Rhode Island, they also have the votes to vote down the point of order.

Mr. LODGE. On the question of parliamentary law, if we were proceeding under general parliamentary law, the amendment of the Senator from Texas [Mr. BAILEY] would be ruled out in a minute, because it is not germane. So we are not proceeding under general parliamentary law, but, as I stated before, under the rules of the Senate. The precedent which the Senator from Georgia produced simply meant that the Senate at that moment did not care to refer those amendments.

Mr. BACON. I suppose that it now means that the Senate at this moment proposes to support the proposition of the Senator from Rhode Island [Mr. ALDRICH].

Mr. LODGE. Very likely; but I am speaking of the general principle. There is not an appropriation bill which goes through this body where we do not refer amendments to the committee. We have done so in this bill. Amendments have been introduced here and have been referred since this bill has been under consideration.

Mr. BACON. If so, it has been by consent. The Senator can not show a precedent——

Mr. LODGE. So is this by consent. This would be by consent after the Senate has voted.

Mr. BACON. That is a very different thing. The consent does away with all rule; but I prophesy the Senator can not find a precedent for the position that, upon a vote, the Senate, or any other parliamentary body, has ever referred an amendment or postponed an amendment to a day certain.

Mr. LODGE. Unanimous consent is a vote, Mr. President.

Mr. BACON. That is a different thing.

Mr. GALLINGER. It is a unanimous vote.

Mr. LODGE. It is absolutely equivalent to a vote.

Mr. BACON. The Senator begs the question there.

Mr. LODGE. Whether that is so or not, Mr. President, I think it is equivalent to a unanimous vote; but to call one a consent and the other a vote is, it seems to me, begging the question, to begin with. Unanimous consent implies a unanimous vote, of course. That is only differing over words.

Mr. BACON. You would not need any unanimous consent if you do it by vote.

Mr. LODGE. If I understand the distinction which the Senator makes, that you can do anything by unanimous consent, I quite agree.

Mr. BACON. If the Senator will pardon me, we have unanimous consent to do a thing when it is not in order to do it by a majority vote. That is when we ask consent.

Mr. LODGE. Certainly.

Mr. BACON. Otherwise we do it by vote.

Mr. LODGE. You could not exclude these motions if you did not have unanimous consent. They are all privileged.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. Certainly.

Mr. NELSON. I was about to say, Mr. President, that I expect my colleagues here regard me as a kind of heretic on a great many of these tariff schedules; but, if it is permissible for a heretic to speak on this occasion, I want to suggest this thought to Senators: No man in this Chamber, no matter how ardent a friend he may be of an income tax, can ever guarantee to us what the Supreme Court may do. The Supreme Court, if the question is put up to them again, may decide as they did in the last decision; and what would be the effect?

If we frame this bill on the theory of supplying a part of our revenues from the income tax and the Supreme Court should decide against it, it would leave the country entirely without sufficient revenue. So, Mr. President, while, as a general proposition, I am in favor of an income tax, it seems to me that the only safe way to proceed in this case to guard against any contingency that might happen by an adverse decision of the Supreme Court is to proceed with the tariff bill and complete it on the theory that that bill will supply us with sufficient revenue.

I may add as a postscript—and then I will sit down—that I was very warmly in favor of an income tax, but it has occurred to me since the vote on the lumber schedule that there is less reason for an income tax than ever before, and that we probably shall have revenues enough without it. [Laughter.]

Mr. NEWLANDS. Mr. President, I do not know whether the Senator from Rhode Island has withdrawn or not his motion to postpone.

Mr. LODGE. No.

The PRESIDING OFFICER. The motion is pending.

Mr. NEWLANDS. But what I have to say will apply to the situation, whether the pending question be the motion of the Senator from Rhode Island or the amendment of the Senator from Texas.

I wish to state briefly my views upon the question of an income tax. I shall favor an income tax, and I shall vote for any amendment for an income tax, whether it be a graduated tax or a flat tax, or a tax limited in its operations. I shall vote for any income tax that does not violate the essential principles of what an income tax should be.

As to the necessity for an income tax, I wish to call the attention of the Senate briefly to the fact that there is to-day a deficiency which it is hoped to remedy by economy in administration. The country is intent upon constructive work in the future, constructive work which as yet has not been undertaken in any comprehensive way. The country has already undertaken the constructive work of irrigation, and has provided a fund for that purpose derived from the sales of the public lands. It has entered upon the constructive work of the Panama Canal, and has provided for that work by the issue of bonds. The country is determined to enter upon other constructive work, the development and the improvement of the waterways of the country; and there is a popular demand, voiced by both parties, that that work shall be entered upon in some scientific and comprehensive way, and that there shall be a total annual expenditure upon it of at least $50,000,000.

In addition to this the country will doubtless enter upon constructive work on its public buildings in some orderly way under a bureau of construction and arts, utilizing the talents of the great architects and artists and the great constructors of the country, and there will be a demand that at least $30,000,000 annually be spent in this work.

We have there before us at least $80,000,000 of constructive work annually, which must be provided for.

While I should, if necessary, vote for bonds to carry out a part of this work—that relating to the waterways—I think it is incumbent upon us to provide in our general scheme of taxation for ample revenue that will cover this great constructive work which must be conducted by the country, in addition to the constructive work of our navy, in addition to the constructive work of our fortifications, in addition to the constructive work of our irrigation system, and in addition to the constructive work of our Panama Canal system. Eighty million dollars, therefore, in addition, must be provided. I believe that there is but one way of providing for it, and that is by an income tax; and, regardless of the revenue afforded by this bill, which will all be used for administrative purposes, there will still be the ever-present demand for $80,000,000 annually in order to meet the great constructive work of the future.

As the administrative expenses of the Government, amounting to over $600,000,000 annually, are to be paid by taxes on consumption, derived from internal revenue and customs, it is but fair that the additional burden, made necessary by needed public improvements, should be imposed upon wealth; and a tax on the surplus incomes over and above $5,000 annually, gradually increasing with the income, is a tax upon that form of wealth which can best stand the burden. I believe we should test this question now, in the light of the new views presented in the recent debates, and not leave the present decision to get the sanctity which age will give it. I believe that unless the Nation now asserts its right to this form of taxation the States will gradually adopt it; and then, when a time of emergency comes, the objection will be made that we ought not to reach out for fields of taxation already occupied by the States. In time of emergency, such as war, this tax may be required to save the life of the Nation; and we should assert now the right of the Nation to this form of taxation, or it may be forever lost.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island.

Mr. ALDRICH. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll, and Mr. ALDRICH responded to his name.

Mr. BACON. I think, Mr. President, where there has been a debate on a question that, whenever a motion is to be put to the Senate, it ought to be stated what the motion is. The Chair puts the question, and the Secretary, without giving an opportunity for any Senator to even ask that the question be stated, begins to call the roll. That seems to have become the invariable practice.

The PRESIDING OFFICER. The Chair stated that the question was on the motion of the Senator from Rhode Island.

Mr. BACON. Yes, sir; but I desire to know what that motion is.

The PRESIDING OFFICER. That motion, as the Chair understands, is to postpone the consideration of the amendment presented by the Senator from Texas [Mr. BAILEY] until the 10th day of June. The Secretary will call the roll.

The Secretary resumed the calling of the roll.

Mr. SMITH of Michigan (when his name was called). I am paired with the Senator from Mississippi [Mr. MCLAURIN]. If he were present, I would vote "yea."

The roll call was concluded.

Mr. DANIEL. I desire to announce that my colleague [Mr. MARTIN] is paired with the Senator from Oregon [Mr. BOURNE]. If my colleague were present, he would vote "nay."

The result was announced—yeas 50, nays 33, as follows:

YEAS—50.

Aldrich	Crane	Gamble	Penrose
Beveridge	Crawford	Guggenheim	Perkins
Bradley	Cullom	Hale	Piles
Brandegee	Curtis	Heyburn	Root
Briggs	Depew	Johnson, N. Dak.	Scott
Brown	Dick	Jones	Smoot
Bulkeley	Dillingham	Kean	Stephenson
Burkett	Dixon	Lodge	Sutherland
Burnham	du Pont	McCumber	Warner
Burrows	Elkins	McEnery	Warren
Burton	Flint	Nelson	Wetmore
Carter	Frye	Oliver	
Clark, Wyo.	Gallinger	Page	

NAYS—33.

Bacon	Cummins	La Follette	Smith, Md.
Bailey	Daniel	Money	Smith, S. C.
Bankhead	Dolliver	Newlands	Stone
Borah	Fletcher	Overman	Taliaferro
Bristow	Foster	Owen	Taylor
Chamberlain	Frazier	Paynter	Tillman
Clapp	Gore	Rayner	
Clay	Hughes	Shively	
Culberson	Johnston, Ala.	Simmons	

NOT VOTING—8.

Bourne	Davis	Martin	Richardson
Clarke, Ark.	McLaurin	Nixon	Smith, Mich.

So Mr. ALDRICH's motion was agreed to.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 28, 1909, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 27, 1909.

PROMOTIONS IN THE NAVY.

Capt. Herbert Winslow to be a rear-admiral in the navy from the 27th day of May, 1909, vice Rear-Admiral Edwin C. Pendleton, retired.

Commander William Braunersreuther to be a captain in the navy from the 27th day of May, 1909, vice Capt. Herbert Winslow, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 27, 1909.

PROMOTION IN THE ARMY.

GENERAL OFFICER.

Col. Richard T. Yeatman to be brigadier-general.

POSTMASTER.

Henry W. Driggers, at Punta Gorda, Fla.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 27, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Monday, May 24, was read and approved.

THE TARIFF ON COTTON BAGGING AND TIES.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask permission to print in the RECORD certain telegrams which have been received relative to the matter of the tariff on cotton bagging and ties and the costs to the producer. I do not desire to make any speech, but simply to print this information.

The SPEAKER. The gentleman from Georgia asks unanimous consent to print in the RECORD certain telegrams touching the tariff upon cotton bagging and ties. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT of Georgia. Mr. Speaker, in reply to efforts being made to have cotton bagging and ties placed on the free list, some have contended that the cotton planter is paid for same at the price received for the cotton, without deduction for the bagging and ties, and that the cotton spinner does not allow for the tare, as represented by the weight of the bagging and ties. This contention, I knew, was not capable of being sustained by proof. To show what the truth is, the gentleman from Texas [Mr. BURLESON] and myself have sought and obtained the information contained in the telegrams which we have received, and which are as follows:

WASHINGTON, D. C., *May 25, 1909.*

Hon. W. W. GORDON,
Savannah, Ga.:

Opponents free bagging and ties claim producer is paid for same at price of cotton by spinner without deduction for tare. Please wire what deduction is made for bagging and ties, and in what way and how considered in fixing price. Does rule apply to both foreign and domestic spinners?

C. L. BARTLETT.

SAVANNAH, GA., *May 26, 1909.*

Hon. C. L. BARTLETT,
House of Representatives, Washington, D. C.:

Offers from Europe name a price which includes cost of freight, marine insurance, and 6 per cent tare on a 500-pound bale. Six per cent would be 40 pounds, which covers 16 pounds for 8 yards of bagging, 8 pounds for 8 ties, and 6 pounds for natural drying of cotton and consequent shrinkage in weight; nominally, the farmer is paid for bagging and ties, but the spinner can't spin them. He sells them for junk; consequently the price he offers is a figure arrived at after deducting what his loss will be on the bagging and ties; also is true that farmer in reality is not paid for bagging and ties. American spinners usually get 28 pounds tare, and also deduct from price they pay for cotton the loss they will sustain on the bagging and ties.

W. W. GORDON.

NEW ORLEANS, LA., *May 26, 1909.*

Hon. A. S. BURLESON,
House of Representatives, Washington, D. C.:

Your contention in dispatch concerning tare on cotton is true. When the farmer buys bagging and ties he pays therefor some 9 cents per bale more than he would pay if free. When the spinner buys from the farmer he deducts from the worth of the cotton the amount of his loss by bagging and ties. Therefore the spinner does not pay the tariff profit that goes to the manufacturers of bagging and ties and the farmer does. But even if spinner did pay, antagonists' argument is not strengthened, because spinner would add excess to manufactured product and thus increase the cost to consumer. In either case the trust collects the profit and the people pay.

W. B. THOMPSON,
President New Orleans Cotton Exchange.

NEW ORLEANS, LA., *May 26, 1909.*

Hon. A. S. BURLESON,
House of Representatives, Washington, D. C.:

It is a well-known fact that all buyers on both sides of the Atlantic allow in the prices they pay fully enough, if not more than enough, to offset the weight of bagging and ties on a bale. As a general thing 6 per cent is allowed for tare by foreign spinners. While all spinners practically buy on the basis of tare, care is generally taken that allowances always equal and frequently exceed actual tare.

HENRY G. HESTER.

NEW ORLEANS, LA., *May 26, 1909.*

Hon. A. S. BURLESON,
House of Representatives, Washington, D. C.:

Referring to my previous dispatch for your information, Carolina mills have a rule that they will not allow for more than 24 pounds bagging and ties on a compressed bale and 20 pounds on an uncompressed bale. If bagging and ties exceed that in weight, the seller must refund the difference.

C. LEE MCMILLAN.

NEW ORLEANS, LA., *May 26, 1909.*

Hon. A. S. BURLESON,
Washington, D. C.:

Cotton exporters calculate 6 per cent tare for bagging and ties; eastern spinners, 23 to 25 pounds per bale. Carolina mills' rule 4 reads: "On compressed cotton the tare should not exceed 24 pounds, and on uncompressed cotton, 20 pounds per bale." Cotton producers pay for their bagging and ties. Any spinner will give more for 500 pounds net cotton than for a bale weighing 500 pounds gross, including bagging and ties.

C. LEE MCMILLAN.

NEW ORLEANS, LA., *May 27, 1909.*

A. S. BURLESON,
House of Representatives, Washington, D. C.:

All cotton sold for export deducts 6 per cent tare for bagging and ties; domestic mills claim 4 to 5 per cent tare.

NORMAN EUSTIS,
Acting Chairman Cotton Factory Association.

NEW ORLEANS, LA., *May 27, 1909.*

A. S. BURLESON,
Washington, D. C.:

Cotton sold for export carries 6 per cent deduction for tare; domestic mills calculate about 5 per cent.

NEW ORLEANS COTTON BUYERS AND EXPORTERS' ASSN.,
A. J. WEST, *President.*

These telegrams are from gentlemen of the highest character and standing in the business world, whose word will be accepted by all who know them as absolutely the truth.

Gen. W. W. Gordon, of Savannah, Ga., is a prominent cotton merchant, a buyer and exporter of cotton for many years, and who is in every way qualified by information, knowledge, and experience to give testimony on this subject; and there can be no question that his statements contain the absolute truth.

The other telegrams are from the president and secretary of the New Orleans Cotton Exchange and other prominent and reliable merchants, cotton buyers, and exporters of that city. No one who is familiar with the facts and who has the proper regard for the truth will assert that the cotton planters are paid for the bagging and ties at the price paid for the cotton when it is bought by the spinners. Such a statement does not convey the truth, and those who oppose placing the bagging and ties used in baling the South's cotton on the free list must find some other pretext, because the assertion that the former is paid for the bagging and ties when he sells his cotton is absolutely without foundation, and these telegrams prove this without question.

JOHN RIVETT.

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 9609, and it will be necessary to ask for a suspension of the rules.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the present consideration of the following House bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9609) to grant to John Rivett privilege to make commutation of his homestead entry.

Be it enacted, etc., That John Rivett be, and he is hereby, granted the privilege, at his option, to make commutation of his homestead entry of the southwest quarter of section 28, township 22 north, range 50 west, sixth principal meridian, in the State of Nebraska, as provided by law for the making of commutation of homestead entries; and that private act No. 167, for the relief of John T. Rivett, approved February 24, 1909, be, and the same is hereby, repealed.

The SPEAKER. Is there objection?